OMBUDSMAN ONTARIO

2004-2005 Annual Report

30 years of working together to ensure fair and accountable provincial government service

OMBUDSMAN ONTARIO

June 29, 2005

The Honourable Alvin Curling
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit my Annual Report for the period of April 1, 2004 to March 31, 2005, pursuant to section 11 of the *Ombudsman Act* so that you may table it before the Legislative Assembly.

Sincerely,

André Marin
Ombudsman

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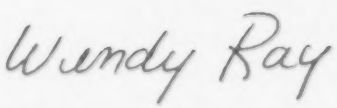
OMBUDSMAN'S MESSAGE

The year 2004-2005 was one of transition for Ombudsman Ontario, as Ontario's fifth Ombudsman, Clare Lewis, Q.C., served the final year of his term, retiring at the end of January 2005. I would like to recognize Mr. Lewis for his work, provincially, nationally and internationally promoting the principles of Ombudsmanship. Mr. Lewis left an Ombudsman office based on a strong foundation with staff dedicated to ensuring fairness and accountability in provincial government service. I had the pleasure of serving as Temporary Ombudsman upon Mr. Lewis' departure, until April 1, 2005, when Mr. André Marin began his five-year term as Ombudsman.

In 2002, the office created a Vision – Looking Forward to 2005. The Vision focused on four primary areas: our public identity, service delivery model, staff, and workplace culture and structure. All staff set out to realize the Vision through the development and implementation of new programs, processes and approaches. In late 2004, we evaluated our progress. At the staff conference this year, the office reflected on how its Vision had become a reality. We had successfully accomplished 52 of the 55 objectives identified and made significant progress on the remaining three.

These are exciting times at Ombudsman Ontario, as we welcome Mr. Marin, the sixth Ombudsman of Ontario. He comes to this office with a wealth of experience in investigations and oversight. A former Crown Attorney, he was appointed Director of the Special Investigations Unit (SIU) of the Ontario Ministry of the Attorney General in 1996. He left the SIU to become the first Ombudsman for the Department of National Defence and the Canadian Forces, where he created an effective and credible oversight agency that quickly became renowned for its thorough and objective investigations into issues affecting the well-being of Canadian Forces members and their families.

In the coming year we will celebrate the 30th anniversary of the Ombudsman's Office in Ontario. It signals a time for revitalization, new beginnings and new visions.



Wendy Ray
Temporary Ombudsman

SIGNIFICANT CASES

Ministry of the Attorney General

Criminal Injuries Compensation Board

Mr. R submitted an application to the Criminal Injuries Compensation Board (the Board) for compensation for his son who had been seriously injured by three assailants. After four years, the case had still not been scheduled for a hearing and Mr. R had withdrawn the application in frustration.

Mr. R maintained that the Board had failed to give him adequate information about his eligibility for interim compensation and had unfairly refused to hear his case, even after the assailants were convicted, on the grounds that the assailants had appealed their convictions.

Our investigation found that the Board had not advised Mr. R of the reason why it had adjourned the hearing of his application until the criminal appeals were over. In addition, the Board had failed to advise Mr. R that its eligibility criteria for interim compensation had changed and that it was no longer necessary to prove financial need. The Ombudsman made a number of preliminary opinions and recommendations. He recommended that in future, all applicants should be given full information about any relevant legislative changes and be provided with reasons when the Board exercises its discretion to adjourn a hearing pending the final determination of a prosecution. The Ombudsman also recommended that the Board apologize to Mr. R. The Board accepted the Ombudsman's opinions and recommendations and issued a letter of apology to Mr. R.

Ministry of Community and Social Services

Family Responsibility Office

Ms A complained to the Ombudsman that the Family Responsibility Office (the FRO) had failed to file a Writ of Seizure and Sale in the jurisdiction in which the support payor in her case owned property. She claimed that, as a result, the payor was able to sell his property without the FRO having the opportunity to recover any of the substantial arrears owing to her. Our investigation confirmed that the FRO had indeed filed the Writ in the wrong region. Although Ms A had phoned the FRO and questioned whether the Writ was in place, the FRO had not corrected the filing error. Subsequently, the payor was able to sell his property without satisfying Ms A's support arrears. The FRO agreed with the Ombudsman's preliminary recommendation to pay Ms A for the frustration caused her by its mistake and to give her a letter of apology. The FRO also updated its policy and procedure on Writs and undertook to provide staff with refresher training.

Ontario Disability Support Program

Mr. V and **Mr. N** complained to the Ombudsman about the Ministry's delay in responding to their requests for internal review of the Ministry's decisions to deny them Ontario Disability Support Program (ODSP) benefits. The regulations made under the *Ontario Disability Support Program Act, 1997* state that internal review decisions must be made within 10 days. In Mr. V's case, the internal review decision process took 71 days and in Mr. N's case, it took 49 days.

During our investigation, the Ministry acknowledged the delay in the internal review process and advised that it had initiated a comprehensive review of procedures. Our investigation revealed that despite the Ministry's implementation of changes to the internal review process, the internal review backlog had increased. In an investigative summary, the Ombudsman expressed the preliminary opinion that the Ministry's failure to complete internal reviews within the time frame set out in the regulations was unreasonable and contrary to law and recommended that the Ministry meet its statutory obligation to issue timely decisions.

The Ministry responded to the Ombudsman outlining the steps it had taken to decrease the backlog including, the implementation of a new Internal Review and Quality Assurance team, reassignment of additional adjudicators to the team and increased clerical support and daily review of files. In January 2005, the Ministry advised the Ombudsman that the number of internal reviews completed within the 10-day time frame had increased substantially and that all new internal reviews were being completed within the 10-day time frame. The Ministry noted that because of the success of its Internal Review and Quality Assurance process, it had incorporated the process as part of its regular business practices. It noted that the issues identified by the Internal Review and Quality Assurance team assisted it in recognizing staff training needs and significantly improved the quality of decision-making at the initial adjudication stage. Given the steps taken by the Ministry to address his concerns, the Ombudsman closed his investigation.

Social Benefits Tribunal

In the fall of 2003, there was a significant increase in the number of complaints to our office concerning delays in the processing of appeals by the Social Benefits Tribunal (the Tribunal). During the 2003-2004 fiscal year, it often took more than 10 months between the time of scheduling a hearing to the actual date of the hearing itself. The Ombudsman notified the Tribunal of his intent to pursue an investigation on his own motion into the delays in scheduling of hearings and the release of decisions following hearings.

One significant reason for the delays was that the number of members, including Francophone members, appointed to the Tribunal was insufficient to meet the demand for hearings. The Tribunal noted that despite its challenges, it had met the legislative time lines for processing appeals (notification of hearing and release of decisions). It acknowledged the delay in scheduling hearings and indicated that it was taking steps to increase the organization's efficiency and that both the Tribunal and Ministry wanted to ensure that appeals were processed in a timely manner, and that hearings are held within six months of the appeal being filed.

The Ombudsman monitored the situation at the Tribunal. After seeing no evidence of steps being taken to improve the situation, he provided the Tribunal and the Ministry with an investigative summary setting out his preliminary opinions and recommendations. The Tribunal replied that since the recent appointment of a new Chair, several initiatives had been undertaken to improve the efficiency at the Tribunal, including on-going discussions with the Ministry.

Satisfied with the actions the Ministry and the Tribunal were prepared to undertake to improve the Tribunal's level of service, the Ombudsman determined not to pursue the investigation further. However, he advised that he would continue to monitor the situation at the Tribunal. In its three-month progress report to the Ombudsman, the Tribunal noted that its caseload/performance indicators had reflected improvement. These included a 26 per cent reduction in the length of time that appellants had to wait for a notice of hearing after filing an appeal, a 42 per cent reduction in the time between filing an appeal to the actual hearing, an increase in the percentage of decisions released within the legislated time frame, a decrease in the length of time taken to issue decisions and a reduction in the number of outstanding decisions with members. The Tribunal had also undertaken a number of measures to increase efficiency, including increasing the weekly caseload of its members, introducing technological improvements, and establishing regional offices. The Ombudsman will continue to monitor the situation at the Tribunal.

Ministry of Training, Colleges and Universities

College of Applied Arts and Technology

Ms W complained to the Ombudsman about the conduct of a College. Ms W had been a nursing student. She explained that a professor at the College had contacted the College of Nurses of Ontario (CNO) and released her personal information without her written consent.

The College responded to the Ombudsman's notice of intention to investigate, by stating that it had received information regarding Ms W's health that it believed was relevant to Ms W's ability to practice safely as a nurse. It explained that a Nursing Practice Officer at the CNO had been consulted before the professor wrote to the CNO about Ms W.

While Ms W was aware that the professor would be contacting the CNO, she had not given her permission. The professor who disclosed the information to the CNO said that Ms W had not seemed concerned that the CNO would be contacted and Ms W had advised that the CNO was already aware of her health information.

During our investigation, we reviewed an academic policy document at the College concerning release of student information. The document stated that "in determining the information to be released the interest of the student and the regulations of the *Freedom of Information and Protection of Privacy Act* will be considered. According to the regulations contained in this Act, no personal information shall be released without the written consent of the student."

Following receipt of the Ombudsman's investigative summary and discussions with Ombudsman staff, the College committed to reviewing its current practices and policy relating to the disclosure of student personal information with a view to clarifying the circumstances under which disclosure might be permitted. It also agreed to consider the *Freedom of Information and Protection of Privacy Act* during this review and ensure that both students and staff are made aware of the policy relating to the disclosure of student personal information. The Ombudsman was satisfied with the College's commitment and closed the file.

Ms X complained to our office that, with a grade point average (GPA) of 7.7, she was found ineligible for the Queen Elizabeth II Aiming for the Top Scholarship in her second year of University. According to her school, she had not met the OSAP's guideline for the Scholarship program of maintaining an average of 80 per cent or its equivalent in GPA or letter grades. The University used a 9 point GPA system under which A+ is 9 (90-100 per cent), A is 8 (80-89 per cent), and B+ is 7 (75-79 per cent). Ms X claimed that she had the equivalent of an average of 80 per cent, but that the University's method of calculating eligibility was inconsistent with the OSAP guideline. The Ministry had accepted the University's calculation. When the Ministry was notified of our intent to investigate Ms X's case, its position was that institutions are responsible for determining grades and it could not interfere in this process. In the course of the investigation, however, the Ministry released an interpretive bulletin to assist institutions in determining what would constitute an average of at least 80 per cent or its equivalent in GPA or letter grades. After receiving this bulletin, the University changed its requirement for maintaining the Scholarship to a 7.6 GPA. Following our investigation, the Ombudsman recommended that the Ministry pay Ms X an amount equivalent to what she would have received in Scholarship funding to the completion of her program, and that the Ministry consult with institutional associations to determine the appropriate equivalency for the purpose of the Scholarship program. The Ministry agreed with the Ombudsman's recommendations.

CASE UPDATES

At times, provincial organizations commit to taking certain steps in response to an Ombudsman investigation. The Ombudsman monitors the implementation of these steps. The following are updates on some of the issues we monitored this year.

Family Responsibility Office (FRO), Ministry of Community and Social Services

For a number of years, our office has monitored the FRO's attempts to implement a new Integrated Service Delivery Model, which would combine a new computer system with a case management model. The Ombudsman has repeatedly expressed the view that the FRO's computer system needed to be replaced if the FRO were to meet its mandate effectively. The FRO advised that a Request for Proposal for the case management solution closed in August 2004, the evaluation was underway and full implementation of an Integrated Service Delivery Model with supporting new technology was expected in 2006.

Registrar General Branch, Ministry of Consumer and Business Services

The Ombudsman closed his investigation into the level and quality of service at the Registrar General Branch last year on the basis of steps that the Branch was taking and its objective to return to reasonable levels of service by the end of July 2004. Our office monitored the Branch's progress this year. The Ministry advised us that by July 2004 the Branch was processing certificates within six to eight weeks. However, the Ombudsman remained concerned about the large backlog of registrations of births, deaths, marriages and change of name applications. The Ministry provided a plan to reduce processing times for these services to six to eight weeks by the spring of 2005. Our review of monthly statistics generated by the Branch indicated that there was significant improvement in the processing times for birth registrations. However, the time to process death and marriage registrations remained high. Change of name applications continue to take a substantial time to process. The Ombudsman continued to receive a significant number of complaints about the Branch, and a total of 1,309 were received this fiscal year, giving it the dubious honour of being the organization most complained against during 2004-2005.

Delays in obtaining birth certificates have resulted in additional problems for Ontarians. We received a number of complaints from parents who were having difficulty extending Ontario Health Insurance Plan (OHIP) coverage for their children because they did not have birth certificates, although they had applications pending with the Registrar General Branch. Our staff intervened in many cases in which we were able to assist individuals in obtaining OHIP coverage for their children. We were concerned that individuals were not receiving assistance when they first contacted the Ministry of Health and Long-Term Care about this problem. As a result of our discussions with that Ministry, front-line staff were reminded of the steps that should be taken to assist individuals who find themselves in this situation.

Workplace Safety and Insurance Appeals Tribunal, Ministry of Labour

In the 2003-2004 Annual Report, it was reported that the Tribunal had been experiencing significant production problems throughout 2003 because of a limited number of Vice-Chairs on its roster. At that time, the new Minister had reappointed a number of experienced Adjudicators. The Tribunal anticipated that it would be in a position by September 2004 to gradually recover and eliminate most delays. In February 2005, the Tribunal advised that it required a roster of 50 knowledgeable Vice-Chairs to handle its current caseload. It noted that with the appointment of seven new Vice-Chairs, it had increased its roster to 39. The Tribunal hoped to recommend to the Minister a further 11-12 Vice-Chair candidates in April. The Tribunal noted that when the new Vice-Chairs have been integrated into the hearing schedule, it would mean that Vice-Chairs who develop backlogs could be taken off the hearing schedule until their decisions are released, minimizing delays.

A YEAR IN REVIEW

INSIDE OMBUDSMAN ONTARIO

This past year, Ombudsman Ontario continued to improve its service delivery by implementing numerous initiatives, revising existing practices, and continuing to establish valuable networks.

Maintaining professional networks with various government agencies and external government offices continued to be a major focus of the Complaint Services teams. Working relationships with agencies including the Ontario Trillium Foundation and Hydro One Networks Inc. ensured the resolution of complaints were dealt with in a speedy and effective manner. Staff participated in information sessions and visited various institutions to broaden their knowledge of government agencies and advance their technical skills. The Corrections team visited more than 20 correctional institutions during the year to better understand the concerns of inmates who call our office with complaints.

The successful introduction and integration of the student placement program by Human Resources offered university and college students the opportunity to gain practical work experience in the Ombudsman's office.

In anticipation of the 30th anniversary of the organization to be celebrated in 2005, a historical record of the evolution of the Ombudsman's office since its inception in 1975 was researched and written – a summary of which can be found elsewhere in this Report. In addition to ongoing campaigns and community outreach activities designed to raise public awareness of Ombudsman Ontario, the 7th annual Ombudsman Ontario Public Service Recognition Awards were presented to four public servants at an official reception hosted by the Ombudsman.

Ombudsman Ontario's Complaint Management System (CMS) was successfully sold and installed to the Government of Botswana and the New Brunswick Ombudsman's office and demonstrations of the CMS were made to numerous interested parties.

Legal Services, in collaboration with other provincial Ombudsman officials and lawyers, created the first draft of *Ombudsman Law and Practice in Canada*. The document outlines the law and practice of Provincial and Territorial Parliamentary Ombudsman as well as a number of Federal Specialized Ombudsman and it is hoped that the final document will serve as a valuable reference guide for Ombudsman offices across the country. Senior Counsel also conducted investigative training for the Forum of Canadian Ombudsman and for the newly created office of the Complaints Commissioner in the Cayman Islands.

Dear Ombudsman

This was the first time in my life that I was involved with asking for assistance from the Ombudsman's Office and because of my dealings with other agencies I was a little dubious as to whether any real effort would be given to my plight. I had no need to be doubtful! Your staff person made me feel comfortable... she told me what she was going to do and within two days it was done.

COMPLAINTS ABOUT US

Since 1996, Ombudsman Ontario has maintained a system to review complaints from the public and government employees who are dissatisfied with the manner in which Ombudsman Ontario handles a complaint. Our "Complaints About Us" program is a valuable asset in our efforts to improve our service delivery and provide fair and accountable service.

Complaints we receive are classified into one of three categories: complaints about decisions, opinions or the disposition of a file; complaints about staff conduct; and complaints about Ombudsman Ontario policies and procedures.

During 2004-2005 Ombudsman Ontario received and closed 26 complaints about our office. Complaints may fall into more than one category at the same time. Twenty-two complaints received concerned the decision, opinion or disposition of a file, seven were about staff conduct, while two related to Ombudsman Ontario policies and procedures.

Of the 26 complaints received and closed, 15 were resolved on an informal basis and 11 required a more lengthy review of the circumstances involved. The resolutions of the 26 complaints are as follows:

- An apology was issued to complainants in two cases.
- A letter was sent explaining and upholding the decision in eleven cases.
- The file review process was explained in four cases.
- Following a review of the circumstances, the complaint was unsubstantiated in seven cases.
- One complaint was substantiated and the original complaint received by Ombudsman Ontario was reviewed further.
- One complaint was abandoned.

If you have a complaint about us, you are encouraged to first discuss the complaint with the Ombudsman Ontario staff member who has been dealing with your file. Alternatively, you may send your complaint to Ombudsman Ontario in writing, by telephone, in person, by fax, TTY, e-mail to info@ombudsman.on.ca or visit our web site at www.ombudsman.on.ca.

COMMUNITY EDUCATION PROGRAM

The Community Education Program (CEP) team continued to work to increase awareness of Ombudsman Ontario's services across the province. Connecting to communities using information sessions, conference presentations, keynote speeches, panels and workshops including "How to Complain Effectively" and "Building Blocks for Effective Organizational Complaints Management Development." The CEP team strategically focused on ensuring that community connectors and service providers have a good understanding of the Ombudsman's role. Effective awareness of Ombudsman Ontario services among community leaders and service providers helps us effectively reach those more disadvantaged and vulnerable communities such as youth, diverse ethnic racial groups, people with disabilities and those who are economically disadvantaged.

This year the CEP team received many requests for workshops, information sessions and speeches. They facilitated over 100 workshops and presented at over 20 major conferences including the Ontario Association of Social Workers, Making Gains Conference (mental health), WIN Conference in Owen Sound, Rural Ontario Sharing Conference, Association of Municipal Employees Conference, Ontario Association of Children's Aid Societies, Parents for Children's Mental Health Conference, Ontario Peer Development Conference, Toronto TESL (Teachers of English as a Second Language), Ontario TESL Conference, Ontario Aids Network Conference, Ontario Kidney Foundation, Opportunities Conference, OCASI Conference (Ontario Communities and Agencies Serving Immigrants), Retired Teachers Conference, First Nations and Inuit Home and Community Care Training and Networking Conference, Joy of Children's Conference and the Strategic Complaint Management Conference. A comparison of Ombudsman Ontario outreach activities over a 10-year period points to an eight year high with over 665 community outreach activities completed.

A Community Open House was attended by over 200 community leaders and organizations who took the opportunity to meet with the Ombudsman and his staff and to hear about the highlights of the Annual Report.

Dear Ombudsman

I just wanted to let you know how much the students appreciate the time you take to make these presentations... the students take the message home to their families and friends. It is the best public relations that the office can get.

During the past year an evaluation of the Community Education Program was undertaken. The achievements of the program are highlighted in a number of areas including:

- Increased number of outreach activities
- Increased number of total complainants served by Ombudsman Ontario
- Increased public and community organization awareness (demonstrated in a survey of human service providers)
- Increased human service agency referrals to Ombudsman Ontario
- Reduction in non-jurisdictional complaints (the CEP team works to increase awareness of our services and our jurisdiction. Ombudsman Ontario intake staff provide referrals for non-jurisdictional enquiries).

"How to Complain Effectively" workshops

One of the most popular workshops developed in the CEP is "How to Complain Effectively." It is a how-to, hands-on participatory workshop designed to increase skills and confidence for those who are trying to complain effectively. Participants look at the internal and external barriers to effective complaining and why the right to complain is important. We develop a complaints continuum and have an exercise to identify complaining styles. Key questions are asked of participants such as, "What is the role of anger in the complaints process? How can it help or hinder effective complaining?" We identify the key skills, knowledge and attitude needed to be an effective complainer. We provide summary handouts of "SMART" and effective complaining and talk about how Ombudsman Ontario may help in the complaining process.

Participants who attend the workshops benefit by:

- Developing increased understanding and awareness of the complaints process.
- Complaining more effectively.
- Understanding how Ombudsman Ontario can help to succeed in getting problems with provincial government organizations solved and how it might help make changes so others are treated more fairly.

This workshop is also available in a more extensive "Train-the-Trainer" model for staff groups and has been delivered at a number of conferences.

OMBUDSMAN ONTARIO
Do you have a complaint about Ontario government services?
Avez-vous une plainte contre un service du gou ement de l'Ontario?

ARE YOU AN EFFECTIVE COMPLAINER?

EFFECTIVE COMPLAINING QUIZ

1. Are you prepared?
   a) I thought about the issue, did some research and came up with a plan.
   b) My style is just to do it – jump in feet first.
   c) Why should I prepare? They are the ones to blame and who need to work to fix my problem.
2. Can you briefly summarize your complaint?
   a) It's taken some work but I can clearly, concisely state my complaint.
   b) It's just too complicated to summarize briefly. I need to explain the context and the details of what really happened for someone to understand.
   c) Why should I cater to them? They created this mess; they'd better be prepared to just listen.
3. How have you backed up your complaint?
   a) Through collecting evidence and documentation.
   b) By relating the whole story and its details in an interesting, entertaining way.
   c) By crying and showing how damaging the effect has been.
4. When you complain would you describe yourself as:
   a) Cool, calm and collected.
   b) Anxious, confused and uncertain.
   c) Tough and demanding, sometimes just losing it: swearing, shouting, insulting.
5. Do you ask questions and listen when you complain?
   a) I prepare questions in advance and work at listening even if it is challenging.
   b) I don't know: if a question comes to mind I'll ask it.
   c) Why should I? They should be listening to me and asking how they can fix it!
6. Are you complaining to the right person or organization?
   a) Part of my research was finding out the complaint process and to whom I should take my complaint.
   b) It does not matter, they should help me anyway.
   c) I'll give whomever an earful, who cares?
7. What role does your anger play in your complaining process?
   a) Processing my anger through writing and talking to friends energizes and motivates me, and allows me to let go/detach when I'm officially complaining.
   b) I'm aware my anger is sometimes difficult to control because the complaining process is so frustrating.
   c) Expressing the full extent of my anger makes people take notice and do something.
8. When you complain do you have support?
   a) I ask my friends for advice or support. Sometimes I've found community organizations that are also very supportive to my complaint process.
   b) No, I don't need help. I know what I'm doing and want to get on with it.
   c) Complaining is easy, just vent. I don't need support for that.
9. Do you know what you want to achieve by complaining?
   a) I have specific expectations but might be willing to compromise.
   b) I don't know – nobody ever asked me what I want.
   c) Who cares if my demands are reasonable or not? I want action!
10. Can you describe your process?
    a) Complaining can be complicated, so I am keeping a record of all my calls, letters and responses, including the names and positions of people I have spoken to. I also note anything specific like a case or claim number.
    b) I'm frustrated at getting passed from one person to another and from one department to another. When I call back, the whole process starts again. Who can keep track?
    c) When the phone gets answered, I start yelling. I demand immediate action or else. A few threats never hurt anybody.
11. If you have a complaint about the Family Responsibility Office, a birth certificate, OHIP, the Ontario Disability Support Program or other provincial government services, where would you go?
    a) If I could not solve the problem successfully, I'd call Ombudsman Ontario: 1-800-263-1830.
    b) I don't know.
    c) I'd complain to everybody.
12. If you're not sure your complaint is against a provincial government service where can you go?
    a) Ombudsman Ontario will use their database to give you a referral if it's not a provincial government service.
    b) I don't know.
    c) The media.

Rate Yourself

Count up how many times you answered A, B and C.

A _____ B _____ C _____

A: 12-9 Excellent complainer. You are likely making changes for the better.

B: 9-6 On the right track. Increased organization and self-awareness will make you an effective complainer.

C: over 5 You have a lot to learn. You may make things worse for yourself, not better! Ask for support and review effective complaining techniques.

Ombudsman Ontario may be able to help you.
1-800-263-1830

Ombudsman Ontario Organizational Chart As of April 1, 2005

STATEMENT OF EXPENDITURE

Unaudited statement of expenditure for the year ended March 31, 2005

Expenditure	2004-2005 Estimates $	2004-2005 Actual $	2003-2004 Actual $
Salaries & Wages	5,462,200	5,668,829	5,379,576
Employee Benefits	1,213,500	1,094,354	1,043,618
Transportation & Communication	561,900	390,929	432,306
Services	1,528,000	1,496,346	1,672,219
Supplies & Equipment	259,000	373,980	415,844
Sub Total	9,024,600	9,024,437	8,943,563
Less: Miscellaneous Revenue	–	(20,568)	(15,937)
Net Expenditure	**9,024,600**	**9,003,869**	**8,927,626**

* Note: The above statement has been prepared on a modified cash basis of accounting. At the date of publication, the above financial statement had not been audited, however, the accounts and transactions of Ombudsman Ontario are audited annually by the Auditor General.

30th ANNIVERSARY

CELEBRATING 30 YEARS OF THE ONTARIO OMBUDSMAN

"As a safeguard against the growing complexity of government and its relationship with the individual citizen, the government will establish the office of a provincial ombudsman – or ombudsperson – to ensure the protection of our citizens against arbitrary judgment or practices."

– Lieutenant Governor Pauline McGibbon on the announcement of the Province's first Ombudsman, 1975.

Many countries and cultures have developed complaint resolution mechanisms dating back to ancient times. The word Ombudsman is Old Norse for "representative" and its use dates back to 1552. The Parliamentary Ombudsman was instituted in Sweden in 1809 to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch.

During 2005 the Office of the Ontario Ombudsman celebrates its 30th anniversary. The impetus for the creation of an Ombudsman for the Province of Ontario began in the early 1960s when Vernon Singer, Member of Provincial Parliament for Downsview, introduced a private member's bill calling for the appointment of a "Parliamentary Commissioner" to investigate administrative decisions and acts of officials of the provincial government and its agencies. Mr. Singer continued to introduce the bill for 10 consecutive sessions of the Legislature. On May 22, 1975, Premier Bill Davis announced the creation of the Office of the Ombudsman in the Ontario Legislature. The *Ombudsman Act* received Royal Assent on July 3, 1975 and was proclaimed in force on July 10, 1975. By this time, six other provincial governments had created Ombudsman offices: Alberta and New Brunswick (1967), Quebec (1968), Manitoba and Nova Scotia (1970) and Saskatchewan (1972).

Arthur G. Maloney, Q.C., a prominent criminal lawyer, was appointed as the province's first Ombudsman. Since the inception of the office, a total of six people have served as Ombudsman: Arthur G. Maloney, Q.C. (1975-1978), Mr. Justice Donald Morand (1979-1984), Dr. Daniel G. Hill (1984-1989), Roberta Jamieson (1989-1999), Clare Lewis, Q.C. (2000-2005) and André Marin, the current Ombudsman, who took office on April 1, 2005.

Arthur G. Maloney, Q.C. – 1975-1978

The Ombudsman's first office was located at 65 Queen Street West in downtown Toronto and the organization's original logo was a Gryphon suspended over four representations of the floral emblem of Ontario – the Trillium.

Public hearings were held throughout Ontario from November 1975 to June 1976. Members of the public were invited to make presentations and suggestions to Mr. Maloney and his staff about issues of concern and ideas of how the office might be of service to Ontario communities.

"The office of the Ombudsman was created to serve all the citizens of Ontario," said Mr. Maloney. "It was deemed of utmost importance that the general public should be afforded an opportunity to express its views on what the office should attempt to accomplish in Ontario and how it should go about doing so."

Within the first months, the Ombudsman received 14,027 enquiries and complaints from the public. Of particular significance, were the complaints from landowners about the expropriation of North Pickering farmlands by the Ministry of Municipal Affairs and Housing, which subsequently resulted in the Ombudsman holding hearings into the matter. That investigation was finally closed in 1983, seven years after it began. It resulted in a 3,000-page five-volume report.

Mr. Maloney resigned in October 1978 and returned to private legal practice.

The Honourable Justice Donald R. Morand – 1979-1984

The Honourable Justice Donald Morand was appointed as Ontario's second Ombudsman in January 1979. Mr. Morand served as a Judge of the Supreme Court of Ontario (Trial Division) prior to his appointment as Ombudsman.

Shortly after assuming office, Mr. Morand opened the first Ombudsman regional office in Thunder Bay in June 1979. In April 1980, the North Bay office opened. During his term, a number of outreach and educational initiatives were introduced. The Ombudsman produced a 23-minute public service announcement to provide members of the public with a description of the role and function of the office, which was distributed widely to television stations and cable stations as well as to Ministries, community groups and schools across the province. The blue-coloured pre-addressed confidential envelopes used by inmates in correctional institutions were also introduced. By the end of the fiscal year in March 1981, the office had dealt with a total of 69,154 complaints and enquiries since it opened. Fine-tuning the complaint handling process and initiating several outreach campaigns, helped to streamline the influx of non-jurisdictional complaints.

On February 2, 1981, the Office of the Ontario Ombudsman moved to its current more spacious location at 125 Queens Park, where it is has remained for 24 years.

In his final annual report, Mr. Morand reflected on his work at the Office and said, "I now have a far better view of the position of the Ombudsman and personally I am more than ever convinced of the need and indeed, the necessity of an Ombudsman for the Province of Ontario."

Dr. Daniel G. Hill – 1984-1989

Dr. Daniel Hill was appointed as Ontario's third Ombudsman on February 20, 1984. He brought to the office an extensive background in the field of human rights as well as a distinguished record of service in the academic community. Dr. Hill was the first director of the Ontario Human Rights Commission, serving from 1962 to 1971 before going on to serve as the Chair of the Commission until 1973.

During his term, Dr. Hill initiated several administrative changes to the office as well as opened four more regional offices. He once said, "Worse than not having an Ombudsman is to have one that nobody knows about. It is my intention to try and reach all our people with the message that we exist – that we exist to inform them of their rights – and to protect those rights against abridgment by administrative agencies."

Among the significant communications and public education initiatives that he introduced were the creation of multilingual fact sheets explaining the service provided by the office and a "Learn about your Ombudsman" campaign involving 432 public service radio announcements across Ontario, transit advertising and newsletters. As well, the Office of the Ombudsman hosted its first open house in December 1987 when more than 300 community members visited the Toronto office.

The 10th anniversary of the creation of the Ombudsman's office was celebrated in 1985. In September 1986, Dr. Hill tabled a position paper suggesting that the Ombudsman's jurisdiction be expanded to include the following areas: the Ontario New Home Warranty Program, Children's Aid Societies and public hospitals. In 1988, it was determined that public hearings should be conducted for public and private agencies to participate in discussions on the matter. At the end of Dr. Hill's term as Ombudsman, this issue was still being debated.

Roberta L. Jamieson – 1989-1999

Roberta Jamieson was appointed as Ontario's fourth Ombudsman on October 30, 1989. She earned the distinction of becoming the first woman in Canada from a First Nation to obtain a law degree and was the Commissioner of the Indian Commission of Ontario before becoming Ombudsman.

Ms. Jamieson was the first Ombudsman to serve a full 10-year term.

Under her leadership a new logo was introduced and the office became known as Ombudsman Ontario instead of the Office of the Ombudsman.

Throughout the mid 1990s, Ms. Jamieson and her office were caught in the midst of social change, economic recession, and major government restructuring, eventually resulting in cutbacks in funding for the Ombudsman's office.

In 1991, Ms. Jamieson launched a six-week outreach campaign in response to a survey that concluded the public did not know about the Ombudsman's office. As well, she continued to visit rural communities in Ontario and fulfilled her international responsibilities as the Regional Vice President of the International Ombudsman Institute.

As Ombudsman, Ms. Jamieson actively promoted conflict resolution and her goals were to resolve complaints in a non-adversarial manner and engage in preventative Ombudsmanship. According to Ms. Jamieson, the Ombudsman could serve as an early warning sign to the government.

At the end of her term, Ms. Jamieson remarked that she had "always believed in modeling the Ombudsman office as an organization that sets standards others can follow." She added, "The concept of equitable treatment, respect for human rights, and accountability and transparency in government must be regarded as part of the very fabric of our democracy."

The logo represents the Ombudsman in the centre embraced by three arms each representing the public, the government and the Ombudsman's Office.

Clare Lewis, Q.C. – 2000-2005

Clare Lewis served as the fifth Ombudsman of Ontario from January 2000, and was the first Ombudsman to be appointed through a public competition process. Mr. Lewis was also the first Ombudsman to be appointed for a five-year term, following an amendment to the *Ombudsman Act* in October 1999, which reduced the standard term from 10 to five years.

Mr. Lewis came to the office with an extensive legal background. He had been a defence counsel, crown attorney and Provincial Court (Criminal Division) judge. He also had substantial experience in oversight and administrative justice, including acting as Police Complaints Commissioner and Chair of the Alcohol and Gaming Commission of Ontario.

As Ombudsman, Mr. Lewis focused on ensuring the relevance and effectiveness of the office in securing fairness in the administration of provincial government service. He believed that the office should adopt a new corporate vision in order to be more effective and efficient. He once said, "It is not how many times we turn the crank that counts, it is how many sausages come out at the end of the machine." As a result, Ombudsman Ontario's values were redefined to be: Fairness, Accountability, Integrity, and Respect. A new mission statement was also developed: "Working to ensure fair and accountable provincial governmental service."

In 2001, the office undertook a major one-year pilot project designed to examine how outreach activities in the Greater Toronto Area could be effectively conducted. The pilot project evolved into the Community Education Program (CEP), highlights of which included using a "Connector" model to access human service organizations through large conferences or group sessions in which presentations such as "How to Complain Effectively" and Train-the-Trainer workshops were conducted. To supplement the CEP, advertising in various ethnic media, posters in the Toronto Subway transit system and a new Public Service Announcement in both English and French were developed.

As the president of the International Ombudsman Institute, Mr. Lewis made a significant contribution internationally. He was invited to attend several conferences around the world at which he promoted the principles of Ombudsmanship.

André Marin - 2005-

In December 2004, André Marin was unanimously selected through a public competition by members of the Ontario Legislature to serve as the sixth Ombudsman of Ontario.

Prior to his appointment, Mr. Marin was Canada's first Ombudsman for the Department of National Defence and the Canadian Forces for six-and-a-half years. During that time he was responsible for the investigation of complaints from those serving in the Canadian military, he identified systemic issues and issued recommendations to ensure accountability, transparency and the integration of ethics into Canada's military.

He is considered an expert on creating a credible, impartial and accountable ombudsman office and is often invited to address ombudsman and ethics conferences in Canada and around the world on the issue of accountability of public office holders.

Mr. Marin served as Director of the Special Investigations Unit (SIU) of the Ontario Ministry of the Attorney General from 1996 to 1998. The SIU is an independent, civilian agency mandated to maintain public confidence in Ontario's police services by assuring police actions resulting in serious injury or death are subjected to rigorous, independent investigations. Responsible for overseeing the actions of Ontario police officers, he earned a reputation for conducting thorough independent investigations into highly sensitive matters.

Before joining the SIU, Mr. Marin was an Assistant Crown Attorney with the Ministry of the Attorney General in Ottawa and became known for prosecuting difficult, high profile and sensitive cases.

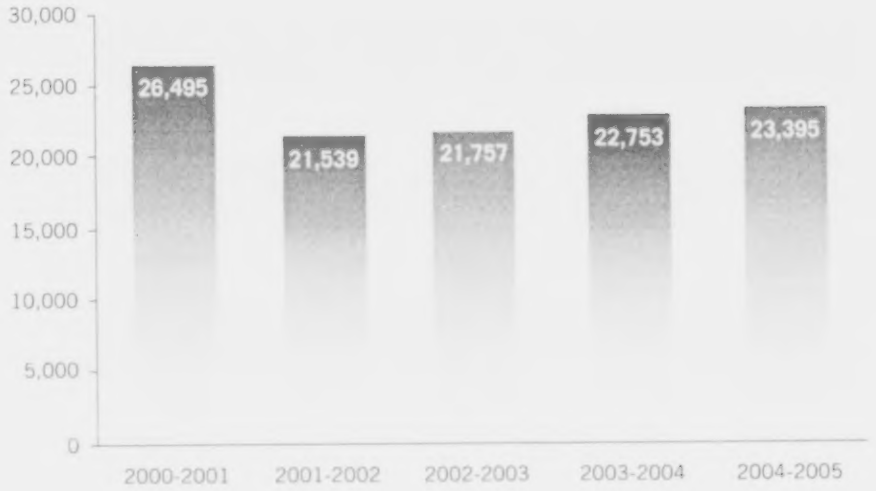
Following his appointment as the Ombudsman of Ontario, Mr. Marin said he looks forward to taking up his post on April 1, 2005 and added he plans to be an aggressive investigator, especially in areas of health and education.

"We're going to bring accountability to the provincial government," he said. "Although it's largely unknown, it is the premier ombudsman's office in the world. What needs to be done with this job is to put it on the map."

COMPLAINTS

THE STORY IN NUMBERS

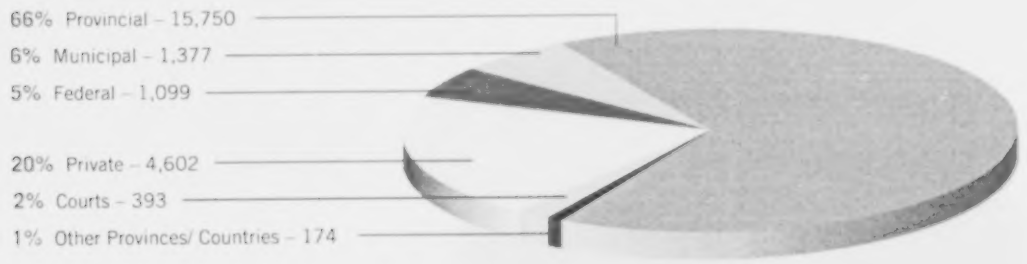
Total Complaints and Enquiries Received: Fiscal Years 2000-2001 to 2004-2005



Over the past four years there has been a steady increase in complaints and enquiries received by Ombudsman Ontario. During the 2004-2005 fiscal year, Ombudsman Ontario received 23,395 complaints and enquiries, an increase of 642 complaints and enquiries over the previous year. Two-thirds of the complaints and enquiries concerned provincial government organizations, with the remaining complaints and enquiries dealing with municipal and federal government issues, other jurisdictions, private organizations and the courts.

Seventy-six per cent of complaints and enquiries were received by telephone, 16 per cent were submitted by letter or fax while one per cent were communicated in personal interviews with Ombudsman Ontario staff. Less than one per cent were received from a Member of Provincial Parliament or initiated by the Ombudsman as an own motion investigation. Relative to 2003-2004, methods of complaint intake remained virtually unchanged.

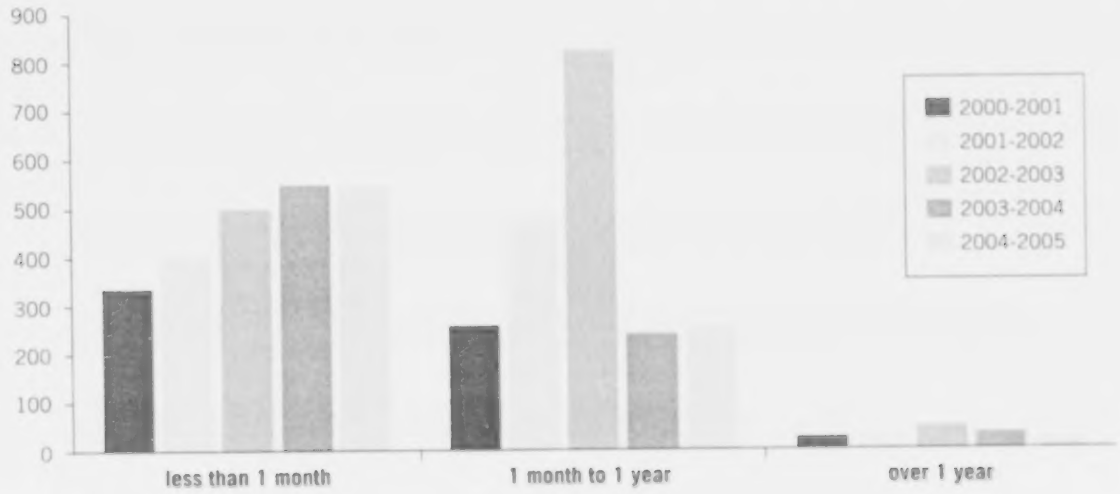
COMPLAINTS AND ENQUIRIES: Received During 2004-2005



Complaints and enquiries received via the Internet also remained steady at seven per cent. To facilitate increased public access to our website, our promotional material is published with our website address and linkages from other strategic websites are encouraged.

Owing to confidentiality concerns, Ombudsman Ontario responds to electronic communications by mail or telephone.

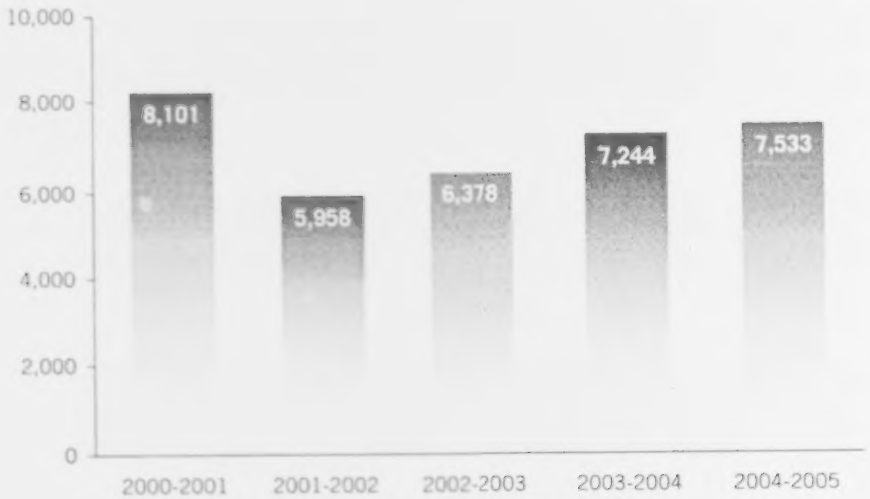
Age Distribution of Open Complaints at Year End Fiscal Years 2000-2001 to 2004-2005



At the End of the Year

Only 821 complaints and enquiries remained open at the end of the 2004-2005 fiscal year. As was the case in 2003-2004, the largest proportion of complaints and enquiries was less than one month old (66 per cent).

General Provincial Government Complaints and Enquiries Received: Fiscal Years 2000-2001 to 2004-2005*



* Note: General Provincial Government Complaints and Enquiries include all complaints and enquiries received concerning provincial government organizations, excluding Ministry of Community Safety and Correctional Services' correctional facilities, Ministry of Children and Youth Services' youth facilities, Ontario Parole and Earned Release Board and Probation and Parole Services.

General Provincial Government Complaint and Enquiry Trends

As the above graph shows, complaints and enquiries about general provincial government organizations increased by four per cent in 2004-2005 (from 7,244 to 7,533). The largest number of complaints and enquiries received about any one organization concerned the Registrar General Branch of the Ministry of Consumer and Business Services (1,309). The Branch experienced a substantial increase of 817 complaints and enquiries over the 492 received in 2003-2004, with over 80 per cent attributable to delays in the issuance of certificates. For the first time in 11 years, the Family Responsibility Office (FRO) was not the most complained about government organization. Although the FRO was the second most frequently complained about agency with 1,076 complaints and enquiries, it actually demonstrated a 26 per cent reduction in total complaints and enquiries over the previous year, when it ranked first.

With 642 complaints and enquiries, the Workplace Safety and Insurance Board (WSIB) moved from second place last year to the third most complained about organization. WSIB was followed closely by the Ontario Disability

Support Program (640 complaints). Together, the top four organizations accounted for almost 50 per cent of general provincial government complaints and enquiries received by Ombudsman Ontario this year. A substantial rise (from 32 to 389) in the number of complaints this year against the Financial Services Commission of Ontario is due to a group of 359 complaints.

Correctional Facilities

Complaints and enquiries about adult and youth correctional facilities increased by six per cent, from 7,727 to 8,158 between 2003-2004 and 2004-2005. Over 30 per cent of the complaints and enquiries concerned the adequacy of health care provided in the facilities. An additional 18 per cent concerned living conditions in the facilities.

Top 10 General Provincial Government Organizations Complaints and Enquiries Received: Fiscal year 2004-2005

Rank Last Year	Rank This Year	Organization/Program	Complaints/ Enquiries	Percentage of Total
4	1	Registrar General Branch	1,309	17.38
1	2	Family Responsibility Office	1,076	14.28
2	3	Workplace Safety and Insurance Board	642	8.52
3	4	Ontario Disability Support Program	640	8.50
36	5	Financial Services Commission of Ontario	389	5.16
5	6	Ontario Student Assistance Program	300	3.98
6	7	Workplace Safety and Insurance Appeals Tribunal	213	2.83
9	8	Legal Aid Ontario	165	2.19
8	9	Hydro One Networks Inc.	163	2.16
13	10	Ontario Health Insurance Plan	162	2.15

Delivering Results

While 23,395 complaints and enquiries were received during 2004-2005, 23,390 complaints and enquiries were actually closed by the end of the fiscal year.

Of all complaints and enquiries closed during 2004-2005, 15,744 concerned provincial government organizations. Complainants received a resolution or a referral in 77 per cent of cases. Five per cent were withdrawn or abandoned by the complainant. Two own motion investigations were initiated during 2004-2005 and four were completed.

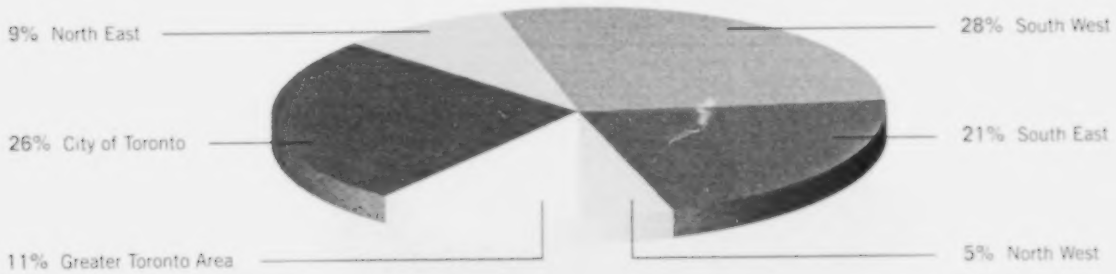
In a Timely Fashion

In keeping with our early resolution standards, 79 per cent of provincial complaints and enquiries were resolved within 28 days of receipt. Forty-eight per cent were closed within six days. Cases requiring a formal investigation were resolved in an average of 13.6 months. The increase of 2.6 months in resolution time over the previous year is due to the closing of seven complex and lengthy cases during the year.

In Order of Frequency the most Common Types of Jurisdictional Complaints Investigated by the Ombudsman This Year Were:

Types of Complaints	
1	Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner
2	Adverse impact or discriminatory consequence of a decision or policy on an individual or group
3	Failure to adequately or appropriately communicate with a client
4	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence
5	Insufficient reasons for a decision or no reasons given
6	Failure to provide sufficient or proper notice
7	Failure to keep a proper record
8	Unreasonable delay
9	Inadequate or improper investigation conducted
10	Denial of service
11	Harrassment by a governmental official; bias; mismanagement; bad faith
12	Omission to monitor or manage an agency for which the governmental organization is responsible
13	Unfair settlement imposed; coercion

Geographic Distribution of Complainants Excluding Correctional Complainants



Demographic Profile by Race

Racial Group	Percentage of Individuals Surveyed
White/European	82
Racial Minority*	12
Aboriginal/First Nation	2
No answer	4

* Includes: Black, East Asian/Southeast Asian, South Asian, other racial minority groups and mixed race.

Demographic Profile – Selected Groups

Group	Percentage of Individuals Surveyed
People with disabilities	26
Sole-support parents	13
Youth – under age 25	4
Seniors – age 65 and over	9

Complainant Profile

A total of 17,847 people contacted our office this year, representing a slight increase over last year's number of 17,683. Individuals generally have one issue of concern when they contact Ombudsman Ontario. However, in cases in which more than one issue is raised, each concern is recorded in our electronic information system and pursued to a resolution.

The pie chart on the previous page indicates the provincial regions in which complainants (excluding those in adult and youth correctional facilities) resided when they contacted our office with a complaint or enquiry. The provincial region is extracted from postal code information that is requested of all individuals contacting Ombudsman Ontario. The chart demonstrates that close to 30 per cent of current complaints and enquiries are received from individuals living in southwestern Ontario, an area stretching from Windsor to Hamilton, Barrie and Wasaga Beach. This number compares with 35 per cent from this region in the previous year.

The City of Toronto saw a substantial increase in the number of individuals contacting our office, rising from 18 per cent in 2003-2004 to 26 per cent in 2004-2005. This significant increase is believed to result from the continued efforts of the Community Education Program team and the ongoing media campaigns targeting the Metro Toronto area.

In addition to determining the geographic location of our complainants from the postal code, individuals contacting our office are asked to complete a survey to determine their demographic profile. Completion of the survey is voluntary and anonymous. Information is collected about geographic location, age, race, family status, disability, and household income. The survey results help us identify groups that are under-represented as complainants to our office, relative to their representation in the provincial population. The survey results also identify the type of complaints and enquiries by various groups and provide us with the opportunity to track emerging issues of concern for the Ontario public. This year, just over 75 per cent of complainants who contacted our office completed the survey.

STATISTICAL CHARTS

*Complaints and Enquiries Received 2004-2005 by Provincial Riding (excluding complaints and enquiries about adult correctional and youth facilities)**

Riding	Total
Algoma – Manitoulin	213
Ancaster – Dundas – Flamborough – Aldershot	86
Barrie – Simcoe – Bradford	128
Beaches – East York	147
Bramalea – Gore – Malton – Springdale	96
Brampton Centre	79
Brampton West – Mississauga	102
Brant	74
Bruce – Grey – Owen Sound	208
Burlington	88
Cambridge	112
Chatham – Kent – Essex	124
Davenport	106
Don Valley East	107
Don Valley West	117
Dufferin – Peel – Wellington – Grey	121
Durham	70
Eglinton – Lawrence	113
Elgin – Middlesex – London	193
Erie – Lincoln	105
Essex	109
Etobicoke Centre	73
Etobicoke – Lakeshore	111
Etobicoke North	129
Glengarry – Prescott – Russell	88
Guelph – Wellington	156
Haldimand – Norfolk – Brant	95
Haliburton – Victoria – Brock	132
Halton	113
Hamilton East	134
Hamilton General Area	14
Hamilton Mountain	115
Hamilton West	145
Hastings – Frontenac – Lennox and Addington	198
Huron – Bruce	134
Kenora – Rainy River	200
Kingston and The Islands	403
Kitchener Centre	106
Kitchener – Waterloo	117
Lambton – Kent – Middlesex	119
Lanark – Carleton	132
Leeds – Grenville	138
London – Fanshawe	175
London General Area	20
London North Centre	212
London West	148
Markham	57
Mississauga Centre	75
Mississauga East	63
Mississauga General Area	14
Mississauga South	149
Mississauga West	6
Nepean – Carleton	63
Niagara Centre	133
Niagara Falls	100
Nickel Belt	133
Nipissing	187
Northumberland	153
Oak Ridges	89
Oakville	70
Oshawa	120
Ottawa Centre	120
Ottawa General Area	9
Ottawa – Orléans	92
Ottawa South	70
Ottawa – Vanier	101
Ottawa West – Nepean	120
Out Of Province/International	514
Oxford	110
Parkdale – High Park	138
Parry Sound – Muskoka	138
Perth – Middlesex	83
Renfrew – Nipissing – Pembroke	125
Sarnia – Lambton	148
Sault Ste. Marie	356
Scarborough – Agincourt	93
Scarborough Centre	125
Scarborough East	115
Scarborough – Rouge River	66
Scarborough Southwest	168
Simcoe – Grey	131
Simcoe North	203
St. Catharines	110
St. Paul's	146
Stoney Creek	93
Stormont – Dundas – Charlottenburgh	89
Sudbury	198
Thornhill	56
Thunder Bay – Atikokan	161
Thunder Bay General Area	21
Thunder Bay – Superior North	197
Timiskaming – Cochrane	139
Timmins – James Bay	140
Toronto Centre – Rosedale	322
Toronto – Danforth	138
Toronto General Area	55
Trinity – Spadina	154
Vaughan – King – Aurora	98
Waterloo – Wellington	76
Whitby – Ajax	91
Willowdale	100
Windsor General Area	10
Windsor – St. Clair	115
Windsor West	142
York Centre	100
York North	111
York South – Weston	129
York West	69

** Where postal code information is available.*

*Complaints and Enquiries Received 2004-2005 About Adult Correctional and Youth Facilities**

BY SUBJECT MATTER	
HEALTH – ADEQUACY OF CARE	1029
HEALTH – MEDICATION	680
STAFF CONDUCT	525
PERSONAL/INMATE PROPERTY	460
HEALTH – DELAY	425
LIVING CONDITIONS – FOOD/DIET	371
LIVING CONDITIONS	349
LIVING CONDITIONS – CLEANLINESS, HYGIENE, SANITATION	317
CLASSIFICATION OR TRANSFER WITHIN THE PROVINCIAL SYSTEM	305
RESPONSES TO INMATE REQUESTS	295
LIVING CONDITIONS – BEDDING/MATTRESSES/ TOWELS	292
CORRESPONDENCE	270
YARD	233
LIVING CONDITIONS – CLOTHING SIZE, CONDITION ETC.	207
INMATE TRUST ACCOUNT	191
TELEPHONE ACCESS/USE	166
HEALTH – MEDICAL DIET	163
LIVING CONDITIONS – PERSONAL HYGIENE	163
ADMINISTRATION – OTHER	147
CANTEEN	141
LIVING CONDITIONS – HEATING, VENTILATION, AIR	135
DISCRETIONARY PROGRAM DECISIONS/ACCESS TO PROGRAM	130
HEALTH – OTHER	130
HEALTH – CONTINUITY OF CARE (ADMISSIONS)	128
HEALTH – DENTAL – EMERGENCY	113

BY SUBJECT MATTER	
HEALTH – METHADONE PROGRAM	111
ALLEGATIONS OF EXCESSIVE FORCE – STAFF MISCONDUCT	109
LIVING CONDITIONS – SEGREGATION	108
SECURITY – LOCKDOWN	107
ADMINISTRATION – DELAY	104
LIVING CONDITIONS – LOCKUP	101
ADMINISTRATIVE SEGREGATION	97
INMATE MISCONDUCT ISSUANCE ADJUDICATION	96
ADMINISTRATION – UNFAIRNESS	94
COMMITTAL/SENTENCE CALCULATION	92
HEALTH – DENTAL – PREVENTATIVE OR RESTORATIVE	86
OMBUDSMAN ACCESS (LETTER OR PHONE)	84
CLASSIFICATION OR TRANSFER TO FEDERAL SYSTEM	82
INMATE – INMATE DISPUTES/ASSAULTS	80
DENTAL	79
HEALTH – GLASSES, EYE CARE	75
HEALTH – CONTINUITY OF CARE (TRANSFER)	75
CLASSIFICATION – OTHER	68
RELIGIOUS OR LIFE STYLE DIET	67
VISITING PRIVILEGES	67
RELIGIOUS/SPIRITUAL OBSERVANCE	64
HEALTH – SPECIALIST APPOINTMENTS	63
LEGAL AID	60
POLICY/PRACTICE	57
INSTITUTIONAL DISCIPLINE – OTHER THAN INMATE MISCONDUCT	53
LIVING CONDITIONS – OVERCROWDING	51
SEARCHES	49

** As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.*

*Complaints and Enquiries Received 2004-2005 About Adult Correctional and Youth Facilities**

BY SUBJECT MATTER	
TEMPORARY ABSENCE PASSES	43
PROTECTIVE CUSTODY	43
NEWSPAPER SUBSCRIPTIONS/DELIVERY	43
HEALTH – DIAGNOSIS	41
HEALTH – MEDICAL APPLIANCES/DEVICES REQUESTS	39
ADMINISTRATION – NO RESPONSE TO CORRESPONDENCE	38
HEALTH – STAFF CONDUCT	38
HEALTH – PRESCRIPTION REQUEST	37
ADMINISTRATION – BIAS	36
REQUEST FOR PROCEDURAL INFORMATION	36
REQUEST FOR PHONE NUMBER OR ADDRESS	35
RACE RELATED COMPLAINTS	35
INTERMITTENT SENTENCE	34
LIVING CONDITIONS – CELL TIME	33
PRE-RELEASE	29
CONFINEMENT SEGREGATION	28
HEALTH – HOSPITAL VISITS/ADMISSION	27
LOST EARNED REMISSION	25
SPECIAL NEEDS/TREATMENT UNIT	23
HEALTH – DENTAL – DENTAL APPLIANCES/ DENTURES	22
HEALTH – HIV/AIDS	19
INMATE INFORMATION GUIDE	18
PAROLE – COMMUNITY SERVICES/PPO	16
EMPLOYMENT – OTHER	13
HEALTH – HEPATITIS	11
LIVING CONDITIONS – IMMIGRATION HOLD	10
INMATE TRANSPORTATION UPON RELEASE	10

BY SUBJECT MATTER	
ADMINISTRATION – INADEQUATE OR NO COMMUNICATION RECEIVED	10
CHARTER OF RIGHTS/HUMAN RIGHTS	9
HEALTH – SUICIDE WATCH	9
ADMINISTRATION – PROGRAM INFORMATION INADEQUATE	9
HEALTH – SEGREGATION	8
ADMINISTRATION – UNABLE TO OBTAIN FILE STATUS UPDATE	7
HEALTH – SECOND MEDICAL OPINION REQUESTS	7
ADMINISTRATION – EXCESSIVE BUREAUCRACY	6
HEALTH – MEDICAL SEGREGATION	6
FREEDOM OF INFORMATION/PROTECTION OF PRIVACY	6
HEALTH – GYNECOLOGICAL/OBSTETRICAL	5
LIVING CONDITIONS – SMOKING	4
ACCESS TO SERVICES (TECHNOLOGY) – TTY	4
HEALTH – MEDICAL CONFIDENTIALITY/ PRIVACY	4
HEALTH – SMOKING CESSATION ASSISTANCE	3
DECISIONS – DENIAL	3
HEALTH – HUNGER STRIKE – FOOD WATCH	3
BAILIFFS	3
PROBATION	3
FRENCH LANGUAGE SERVICES	3
ADMINISTRATION – FAILURE TO ACT ON NEW INFORMATION	2
DEATH OF INMATE IN CUSTODY	2
HEALTH – PRE-NATAL CARE	2
ALLEGATIONS OF REPRISAL FOR OMBUDSMAN CONTACT	2
MENTAL HEALTH CARE	1
MEALS AT COURT	1

** As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.*

OUTCOME OF COMPLAINTS AND ENQUIRIES: Closed During 2004-2005

	Non-Provincial	Provincial
Resolved in Favour of Complainant		2,366
Resolved in Favour of Government		1,048
Resolved Independently		468
Discontinued by Complainant		1,187
Discontinued by Ombudsman		123
Inquiry Made/Referral Given/Resolution Facilitated	7,569	10,336
No Action Possible	77	216
Totals of all outcomes	**7,646**	**15,744**

GLOSSARY OF OUTCOMES

The outcome of complaints and enquiries reflects not the legislative authority under which complaints and enquiries are closed but the effective result.

- **Resolved by Ombudsman in favour of complainant:** The complaint is either supported after an investigation or some resolution that benefits the complainant is achieved even when the Ombudsman declines to investigate further.
- **Resolved by Ombudsman in favour of the government:** The complaint is either not supported after an investigation or it is determined that the organization complained about acted appropriately and no further investigation or enquiry is necessary. In some cases, suggestions for change of policy or practices are recommended to the governmental organizations.
- **Resolved Independently:** Our enquiries reveal that the complaint has been resolved either prior to, or independent of, our intervention.
- **Discontinued by complainant:** The complaint is abandoned or withdrawn by the complainant.
- **Discontinued by the Ombudsman:** The Ombudsman has declined to proceed for the following specific reasons: the complainant has had knowledge of the complaint for more than 12 months; the subject matter of the complaint is trivial or the complaint is frivolous, vexatious or not made in good faith; the complainant has insufficient personal interest in the subject matter of the complaint; the issue has been dealt with or is currently being dealt with in a systemic investigation; or a request to a complainant to provide information has been ignored.
- **Enquiry made/referral given/resolution facilitated:** Assistance is given to resolve a complaint or enquiry through discussion, enquiries made concerning the matter and information sharing for example, providing the name and phone number of an appropriate organization with the jurisdiction to deal with the issue.
- **No action possible:** No assistance can be given as the problem cannot adequately be defined, the information given does not require the Ombudsman to take action or the complainant is anonymous.

Complaints and Enquiries Closed 2004-2005 Against Provincial Government Organizations by Final Resolution*

(When a complaint or enquiry is made against a Ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb.			
MINISTRY OF AGRICULTURE AND FOOD									
OTHER	1				1		9		11
AGRICORP							1		1
AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL	1				1		2		4
MINISTRY OF THE ATTORNEY GENERAL									
OTHER	5	2		1	2		43		53
ASSESSMENT REVIEW BOARD	2	2				1	8	1	14
CHILDREN'S LAWYER	1	1			2		18		22
CRIMINAL INJURIES COMPENSATION BOARD	4	1			1		23		29
CROWN ATTORNEYS							13		13
LEGAL AID ONTARIO	11	22		2	8	2	123	3	171
ONTARIO HUMAN RIGHTS COMMISSION	2	24			3	5	99	1	134
ONTARIO MUNICIPAL BOARD		5					13	2	20
PUBLIC GUARDIAN AND TRUSTEE	5	5			5		88		103
MINISTRY OF CHILDREN AND YOUTH SERVICES									
OTHER		1					9	1	11
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY							4		4
SPECIAL NEEDS PROGRAMS – CHILDREN	2	1					8		11
YOUTH FACILITIES	7	1		6	29		31	1	75
MINISTRY OF CITIZENSHIP AND IMMIGRATION									
OTHER							1		1
MINISTRY OF COMMUNITY AND SOCIAL SERVICES									
OTHER	2	3			2		49	3	59
ADOPTION DISCLOSURE REGISTER	1	1					15		17
DISABILITY ADJUDICATION UNIT	9			2	3		31		45
FAMILY RESPONSIBILITY OFFICE	216	27	1	23	27	1	807	9	1111
ONTARIO DISABILITY SUPPORT PROGRAM	62	12		18	21	3	511	10	637
SOCIAL BENEFITS TRIBUNAL	5	13		1	3	3	73	1	99
SOUTHWESTERN REGIONAL CENTRE								1	1
SPECIAL NEEDS PROGRAMS – ADULT	2	1		1	1		1	1	7
THISTLETOWN REGIONAL CENTRE							1		1
MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES									
OTHER	10	4		3	4		57	2	80
CORRECTIONAL CENTRES	670	153		128	338	58	2023	34	3404
CORRECTIONAL COMPLEXES	222	67		50	169		788	13	1309
DETENTION CENTRES	260	96		79	261		1157	55	1908
JAILS	163	59		50	166	3	665	13	1119
OFFICE OF THE CHIEF CORONER	1	1			1		5		8
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES		1			1		8		10
ONTARIO PAROLE AND EARNED RELEASE BOARD	2	1			1		13		17
ONTARIO PROVINCIAL POLICE	2	1		2		1	26	1	33
PROBATION AND PAROLE SERVICES	1	1			2		36		40
TREATMENT AND CORRECTIONAL CENTRES	21	10		7	6		118	4	166

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Complaints and Enquiries Closed 2004 - 2005 Against Provincial Government Organizations by Final Resolution*

(When a complaint or enquiry is made against a Ministry in general, it is identified as 'other'.) – Continued

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb			
MINISTRY OF CONSUMER AND BUSINESS SERVICES									
OTHER	2	2			2		26		32
ALCOHOL AND GAMING COMMISSION OF ONTARIO	4						13		17
LAND REGISTRY/TITLES		1					7		8
LICENCE APPEAL TRIBUNAL	1				1	1	6		9
ONTARIO RACING COMMISSION					1		4		5
REGISTRAR GENERAL BRANCH	456	3		45	19	5	811	3	1342
MINISTRY OF CULTURE									
OTHER							5		5
ART GALLERY OF ONTARIO					1				1
ONTARIO ARTS COUNCIL							1		1
ONTARIO TRILLIUM FOUNDATION					1		4		5
MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE									
OTHER							1		1
LIQUOR CONTROL BOARD OF ONTARIO					1		10	1	12
ONTARIO LOTTERY AND GAMING CORPORATION		1			3		17		21
MINISTRY OF EDUCATION									
OTHER	2						21	2	25
MINISTRY OF ENERGY									
OTHER							4		4
HYDRO ONE NETWORKS INC.	25	4		5	5	1	111	2	153
ONTARIO ENERGY BOARD		2					9		11
MINISTRY OF THE ENVIRONMENT									
OTHER	2	2			3	1	28	2	38
DRIVE CLEAN PROGRAM	4	1				1	9		15
MINISTRY OF FINANCE									
OTHER	2	4			1		13	1	21
FINANCIAL SERVICES COMMISSION	3	360		1	2	2	24	1	393
MOTOR VEHICLE ACCIDENT CLAIMS FUND							4		4
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	4	1		1	1		41	1	49
PROVINCIAL TAX PROGRAMS	1	1			1		6		9
RETAIL SALES TAX	1	4		1	2	1	28	1	38
MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS									
OFFICE OF FRANCOPHONE AFFAIRS		1					1		2
MINISTRY OF HEALTH AND LONG TERM CARE									
OTHER	17	4		3	3	2	88		117
ASSISTIVE DEVICES/HOME OXYGEN PROGRAMS	2	1					17		20
COMMUNITY CARE ACCESS CENTRE	1	2		1	3	1	31		39
CONSENT AND CAPACITY BOARD							2		2
DRUG PROGRAMS BRANCH – ONTARIO DRUG BENEFIT PROGRAM							8		8
DRUG PROGRAMS BRANCH – SECTION 8 REQUESTS	2						12		14
DRUG PROGRAMS BRANCH – TRILLIUM DRUG PROGRAM	10			1	2		52		65
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	1	8				4	19		32
HEALTH SERVICES APPEAL AND REVIEW BOARD	1	3					8		12
LONG TERM CARE BRANCH	1						4		5
NORTHERN HEALTH TRAVEL GRANT	2	2		1	2		15	1	23
ONTARIO HEALTH INSURANCE PLAN	18	4		3	5	2	125	1	165
ONTARIO HEPATITIS C ASSISTANCE PLAN	2				1	1	3		7
PSYCHIATRIC HOSPITALS/MENTAL HEALTH CENTRES	4						41	3	48
PSYCHIATRIC PATIENT ADVOCATE OFFICE					2		5		7
MINISTRY OF LABOUR									
OTHER							15	1	16
EMPLOYMENT PRACTICES BRANCH	7	4		1			47	2	61

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	Complainant	Gov't Org	Gov't Org with Suggest		by Com't	by Omb			
FAIR PRACTICES COMMISSION							5		5
GRIEVANCE SETTLEMENT BOARD							1		1
OCCUPATIONAL HEALTH AND SAFETY							4	1	5
OFFICE OF THE EMPLOYER ADVISER				1					1
OFFICE OF THE WORKER ADVISER	2			2	2		15		21
ONTARIO LABOUR RELATIONS BOARD	1	7		1	2	1	26	10	48
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	9	50			6	12	149	3	229
WORKPLACE SAFETY AND INSURANCE BOARD	17	5		4	8		606	9	649
MANAGEMENT BOARD OF CABINET									
MANAGEMENT BOARD SECRETARIAT	2			1	3		9	2	17
ONTARIO PENSION BOARD					1	1	2		4
ONTARIO REALTY CORPORATION	1						1		2
ONTARIO SECURITIES COMMISSION							5		5
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING									
OTHER	1		1			1	20		23
LINE FENCES REFEREE							1		1
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD	1				1		3		5
ONTARIO RENTAL HOUSING TRIBUNAL	10	12			8	4	123	3	160
MINISTRY OF NATURAL RESOURCES									
OTHER	2	4			1	1	25	1	34
CROWN LAND	1	1	1				16		19
LICENCES/TAGS	1				1		6		8
ONTARIO PARKS		1			2		7		10
MINISTRY OF NORTHERN DEVELOPMENT AND MINES									
OTHER	1					1	3		5
ONTARIO NORTHLAND TRANSPORTATION COMMISSION						1			1
MINISTRY OF TOURISM AND RECREATION									
NIAGARA PARKS COMMISSION							1		1
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES									
OTHER	3	1	1	3	2		16		26
APPRENTICESHIPS/WORK TRAINING							1		1
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	5	1		3	3		41		53
ONTARIO STUDENT ASSISTANCE PROGRAM	20	10		5	12	1	259	2	309
TVONTARIO							1		1
MINISTRY OF TRANSPORTATION									
OTHER	2	3			1		43		49
DRIVER LICENSING	11	7		4	5		123	1	151
GO TRANSIT							4		4
HIGHWAYS	1				2		11		14
MEDICAL REVIEW	3	9			4		91		107
ONTARIO HIGHWAY TRANSPORT BOARD						1	1		2
VEHICLE LICENSING	6	1	1	2			17		27
ONTARIO GOVERNMENT									
OTHER							79	3	82
ENVIRONMENTAL COMMISSIONER OF ONTARIO							2		2
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO							17	2	19
OFFICE OF THE AUDITOR GENERAL OF ONTARIO							1		1
OFFICE OF THE CHIEF ELECTION OFFICER							3		3
OFFICE OF THE LIEUTENANT GOVERNOR							1		1
OFFICE OF THE PREMIER	1				1		24	1	27

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CASE STORIES

Ministry of the Attorney General

Public Guardian and Trustee

Mr. M is disabled and the Public Guardian and Trustee (PGT) administers his financial affairs. He contacted our office after trying for two weeks to reach his client representative at the PGT. He was very concerned, as his weekly pay had not been deposited into his bank account two Fridays in a row. An Ombudsman Representative contacted the PGT about Mr. M's case. The PGT reviewed its records and found that on Christmas Eve the computer program had been altered to pay Mr. M for December 31st a week early. For some reason, the computer had not reinstated the case to automatic payment by direct bank deposit every Friday. As a result of our contact, the PGT arranged for two cheques to be couriered to Mr. M for the first two weeks of January. His direct bank deposit was also reinstated.

Ministry of Children and Youth Services

Special Services at Home – Children

Ms A complained to our office about the Ministry's treatment of her applications for funding under the Special Services at Home (SSAH) and Assistance for Children with Severe Disabilities (ACSD) programs. Ms A, a single parent, had applied to the programs when her child was born with special needs. The Ministry received her applications, reviewed them within a week and requested further documentation, which she subsequently supplied. Approximately six months later Ms A contacted the Ministry to see if her applications had been processed. In the interim, her child had died. The Ministry told Ms A that since it had not conducted a home visit before her child had died she would not receive any SSAH or ACSD assistance. Ms A never received a decision and had no opportunity to appeal. An Ombudsman Investigator reviewed the matter and discovered that a home visit is part of the ACSD process but not required for SSAH assistance. Our Investigator also learned that Ms A's financial situation had deteriorated during the period her application was being processed. The Ministry was not aware of this and we found that her applications had received low priority. During the investigation the Ministry acknowledged that Ms A's applications had been overlooked when a new staff member had been hired. It also acknowledged that applicants are not informed that they should contact the programs, if there is a material change in their circumstances. As a result of our discussions with the Ministry concerning Ms A's case, it agreed to provide her with an apology and issue her a cheque for the amount she would have received had her applications been adjudicated. The Ministry also committed that as part of its review of business practices in the regional office that had dealt with Ms A's applications, it would publish a brochure that encourages applicants to contact the Ministry regarding changes in material circumstances.

Ministry of Community and Social Services

Family Responsibility Office (the FRO)

Mr. B contacted our office when he was unable to get a loan because the FRO had reported him to the credit bureau for having outstanding arrears. The FRO had reported Mr. B to the credit bureau and written to him asking for the arrears to be paid in full or to contact their office. Mr. B's lawyer contacted the FRO in writing and explained that the matter was before the courts. Mr. B and the support recipient later withdrew their case from the FRO and the case was closed. Mr. B's lawyer wrote several letters to the FRO to try to resolve the situation but received no response. An Ombudsman Representative contacted the FRO and, as a result of our intervention, the FRO reviewed the case and had Mr. B's name deleted from the credit bureau records.

Ms C's lawyer contacted our office for assistance in getting the FRO to remove a Writ of Seizure and Sale. Ms C, a support recipient, had reached a settlement agreement with the support payor. Ms C and the payor jointly owned a property that was to be sold in a few days to satisfy support arrears. However, a Writ against the property had been filed by the FRO and had to be removed before the property was sold. Ms C's lawyer had been unsuccessful in trying to reach the FRO. An Ombudsman Representative called the FRO to discuss the situation. As a result of our enquiry, within 24 hours, the FRO had directed the removal of the Writ, the sale proceeded and Ms C received her arrears.

The Ombudsman was very concerned after he learned of a case which the FRO had closed because it could not locate the payor. After the case was closed, the payor was able to have his driver's licence reinstated by paying only an enforcement fee rather than the substantial outstanding support arrears. The Ombudsman commenced an investigation on his own initiative concerning the manner in which the FRO closes cases in which enforcement efforts have been exhausted and arrears remain outstanding. As a result of the Ombudsman's involvement, the FRO instigated an "internal operational review" of the issue. The Ombudsman continues to monitor the results of this review.

Dear Ombudsman

I recently needed help with a problem I had with the Family Responsibility Office. Within one day I received a call from the FRO and the problem was resolved. I had been trying for 2 years to resolve this issue with no avail. If it weren't for your staff person, this issue still wouldn't be resolved and I just want to thank you for all the help I received.

Mr. D complained to our office that he was being forced to go through the Graduated Licensing System because the FRO had not reinstated his driver's licence two years earlier when it closed his case in October 2002. As a result of our intervention, the FRO acknowledged its error and requested that the Ministry of Transportation adjust Mr. D's record to reflect that his licence was reinstated as of October 2002.

Mr. E, a support payor, contacted our office to complain about the FRO's enforcement of his case. As a result of our contact with the FRO, it reviewed its case again and discovered it had overlooked the fact that certain arrears had been rescinded. Mr. E's case was adjusted and the arrears reduced by $5,450.

Mr. F is a support payor who complained about the FRO's calculation of a cost of living adjustment (COLA). In response to our notice of intent to investigate, the FRO acknowledged that staff had provided inconsistent information about the documents he was required to submit in order for it to calculate the COLA. As a consequence, the FRO waived the amount of $58.64 currently outstanding on Mr. F's case, and agreed to close it, in exchange for his agreement not to litigate the issue.

Mr. G complained that the FRO had begun garnishing his wages, after it had been notified by the support recipient two years previously that his support obligation had terminated with respect to one of his children. The FRO's position was that the court had ordered one total payment for both children. Mr. G disagreed with this interpretation, noting his court order stated "$200 per month for each of the two children." After we discussed Mr. G's case with the FRO, it agreed with Mr. G's interpretation. Consequently, Mr. G's support payments were reduced, the federal garnishment was cancelled, a credit bureau report was deleted, money was refunded to Mr. G and his account was credited for a six-month period.

Mrs. H has the power of attorney for her husband who has a psychiatric disability and is a support payor. Mrs. H called because she had sent two facsimile transmissions to the FRO to provide new banking information. The FRO had still not changed the information on the file, causing her husband's latest support payment to be returned due to insufficient funds. When an Ombudsman Representative contacted the FRO, it explained that it required a void cheque or a letter of explanation stamped by the bank. Mrs. H was asked to resend the banking information. Given the circumstances, the FRO agreed to waive the charge for non-sufficient funds.

Ms I, a support recipient, contacted our office because she felt the FRO was not adequately enforcing her court order. She explained that the payor was chronically in default and that the court had determined his income was more than sufficient to pay his support obligation. Ms I advised the FRO that the payor had money from an income property, but the FRO told her it could only act on this information if it had the name of the tenant. Ms I was very frustrated at being asked for such information. As a result of our intervention, the FRO undertook to search for the tenant's information and garnish the payor's rental income.

Mr. J contacted our office explaining that his support case was closed in 1999 with a zero balance. However, five years later, he discovered he could not renew his mortgage due to a credit bureau report by the FRO that had never been removed. He was unable to reach the FRO by phone to discuss his situation. After we brought this matter to the FRO's attention, it contacted Mr. J, sent a letter to the bank confirming no arrears were owing on the case and requested that the credit bureau report be cancelled.

Mr. K complained to the Ombudsman that he had been trying to reach the FRO by telephone since his income tax refund had been sent to the FRO. He explained that his support was not in arrears and he wanted his money and the federal garnishment registered by the FRO cancelled, as soon as possible. As a result of our enquiries, the FRO removed the federal garnishment and issued a cheque, in the amount of $2037.75 to Mr. K. In addition, since Mr. K was now in a credit position, the FRO contacted his employer and arranged for his deductions to be adjusted.

Ms L complained to the Ombudsman that the FRO was not collecting enough money from the payor's income. She explained that her court order placed a limit on the amount of money that FRO could collect, but that since the payor had breached the order, the limit no longer applied. After our office contacted the FRO to discuss the situation, the FRO agreed with Ms L's interpretation of the court order and increased the amount of money deducted from the payor's income.

Mr. A, a support recipient, called our office because the FRO had not begun to enforce a court order that had been sent to it two years earlier by the Quebec government. When an Ombudsman Representative contacted the FRO, it confirmed that it had received the court order in July 2003. However, it was in French and required translation. It was not sent for translation until July 2004. The order was then placed in the wrong file and lost. As a result of our enquiry, the FRO located the order, sent it to be registered with the Ontario courts and committed to processing it on an urgent basis.

Ontario Disability Support Program (ODSP)

Ms D, a recipient of ODSP benefits, was concerned because the ODSP had rejected an Assessment Summary provided by the Ontario Student Assistance Program (OSAP), jeopardizing her continuing entitlement to ODSP benefits. Ms D was caught between two government programs, which seemed unable to communicate effectively with each other. Through discussions with staff of the two programs Ombudsman Ontario was able to resolve Ms D's

dilemma. However, the Ombudsman was concerned that others might be similarly affected by the communication problem between the OSAP and the ODSP.

The Ombudsman wrote to the Ministry noting that he understood that the ODSP staff could access OSAP information on-line, but that they were not using this method to obtain information. He also noted ODSP staff did not appear familiar with how and when the OSAP produces entitlement information. The Ministry agreed to look into the matter and subsequently confirmed that designated staff in Ministry local offices have access to OSAP information online and that a reminder notice to use this method, had been issued to Ministry staff.

Mr. E had suffered an accident at work during which he had incurred a brain injury. He was receiving ODSP and Canada Pension Plan benefits. Mr. E contacted our office, as he was frustrated in his attempts to obtain financial information from the ODSP necessary to finalize an insurance settlement. Our office made a number of enquiries to the ODSP and, as a result, Mr. E obtained the necessary information and concluded his settlement with the private insurer.

Ms F called our office complaining that the Ministry had refused to release her son's ODSP benefit cheque. Ms F explained that her son had received a retroactive payment from ODSP and as a result, his assets increased above the allowable limit. Ms F said she had contacted ODSP and been told that if her son spent the excess money before the end of the month and submitted the receipts, he would still receive a cheque. Consequently, Ms F's son used the money to purchase some personal items. The Ministry reviewed the receipts and advised Ms F that since a number of the purchases were luxury items, they would still be counted as assets in excess of the allowable limit. An Ombudsman Representative contacted the ODSP and explained the situation. As a result, the Ministry agreed that since Ms F had been given incorrect information at the outset, it would overlook the purchase of luxury items and continue her son's benefits.

Ms G contacted our office complaining that a private collection agency had contacted her to collect an overpayment even though she had never received notice of it or of her right to appeal. Ms G explained that she had received Family Benefits (now administered through the ODSP) for approximately a year following the onset of a psychiatric disability. She later returned to work in the Yukon Territory on a three-month contract. She recalled writing the Ministry that she had returned to work. However, she was unable to follow-up with the Ministry, as she was working in a research field office and did not have access to a telephone or to a fax. While Ms G was working, her Family Benefits continued to be directly deposited to her account. When Ms G's contract ended and she accessed her account, she assumed that the money in the account was hers to spend.

When Ms G learned of the overpayment from the collection agency, she obtained a copy of her Ministry file. She noted there was nothing in the file indicating that the Ministry had advised her of the overpayment or of her right to appeal. In addition, she noted that there were copies of letters in the file that the Ministry had sent to an incorrect address.

In response to our notice of intent to investigate, the Ministry agreed to deem the overpayment to be uncollectible and recall it from the collection agency. The Ministry acknowledged that it could not prove that Ms G was aware of the overpayment or of her right to appeal it.

Mr. H contacted our office because he was concerned that he was unable to get his ODSP benefit cheque reissued to him. He explained that the week before his bank had advised him that since he had closed his account, it had returned his ODSP cheque to the Ministry.

Mr. H needed the money urgently for insulin and needles. He explained that he had contacted the Ministry a number of times to attempt to obtain a replacement cheque. When this proved ineffective, he contacted our office. As a result of our enquiry to the Ministry, it agreed to manually produce a cheque and have a staff member deliver it to Mr. H that same day.

Ms I contacted our office concerned because she was having difficulty obtaining an extension of ODSP benefits. She explained that her daughter had recently died and that she and her husband were now caring for her daughter's two children. Ms I said her daughter had been an ODSP recipient and that she and her husband lived on a retirement pension. She had requested that ODSP benefits be extended for a few months, but this request had been denied as they were in receipt of Temporary Care Assistance through the Ontario Works program. Following our intervention, the Ministry agreed to pay Ms I the difference between the ODSP benefit and what she received under the Ontario Works program. The Ministry also agreed to review its extended benefits directive with staff to avoid similar situations arising in the future.

Mr. J is an ODSP recipient who suffered a brain injury and has difficulty with memory retention. He contacted our office and explained that the Disability Adjudication Unit (DAU) had approved his medical eligibility for ODSP benefits in February 2004. However, three months later he had still not received any money. He added that his municipality had terminated his Ontario Works benefits because he was entitled to ODSP benefits. Mr. J explained that he was experiencing great financial hardship. He was unable to pay his rent, was facing eviction and could not afford to purchase his medication. Mr. J stated that his ODSP worker had not returned his calls.

When we contacted the Ministry, it advised that it had notified Mr. J that his Ontario Works benefits had been terminated because he was receiving insurance money. It said it had requested that he provide more information so it could assess his financial eligibility for benefits but he had not done so. The Ministry also claimed that Mr. J had hung up when the Ministry tried to provide him with information. The Ministry explained that it had scheduled an interview with Mr. J but that he had not shown up and that his ODSP worker had been on holiday and could not return his calls.

The Ministry acknowledged that it was experiencing delays in processing all of its DAU approvals and the average processing time was four months. Mr. J countered that no one at the ODSP office ever informed him that there were documents missing from his file and someone had called him to cancel his appointment because the file was already complete. Mr. J resubmitted the information he said he had already provided to the Ministry and shortly after, the Ministry approved Mr. J's benefits and issued his first cheque and drug card.

Dear Ombudsman

All too often, we are quick to complain but slow to compliment. In this respect, I recently received such quick and responsive customer service that I felt very strongly I should write you to compliment your organization and specifically the service I received from one of your employees...

Mr. I contacted our office because of the Ministry's delay in reinstating his full ODSP benefits. Mr. I is living with AIDS. He had been working full-time but had to stop as his illness worsened. He contacted us very concerned because his drug costs are high and he was in need of rent money. When an Ombudsman Representative enquired about his situation, the Ministry informed her that the Ministry required more information from Mr. I about money he would be receiving from Employment Insurance.

Mr. I provided this information to the Ministry, but contacted our office again, when he had not received a response from the Ministry.

Following our further contact with the Ministry, Mr. I was asked to provide additional information. After receiving this information, the Ministry agreed to reinstate his benefits and provide him with a drug card. A couple of months later Mr. I called to say that he had not received a drug card for the current month and would be running out of medication soon. The Ministry initially advised our office that Mr. I was not eligible for a drug card that month because his Employment Insurance income was too high. However, it later recognized that his medical costs were very high and provided him with a drug card.

Dear Ombudsman

I made an appeal for support to the Ombudsman's office. I got great encouragement from this office by responding to me quickly. A special thank to your staff person who made regular phone calls to me almost daily. I am very thankful to Ombudsman by giving me courage. Thank you so much for your moral support.

Ms J, a recipient of a disability pension, contacted us because her gas had been cut off and the Ministry advised her that it could not provide her with ODSP benefits to assist in paying her outstanding gas bill. When an Ombudsman Representative contacted the Ministry, it advised that it was aware of Ms J's situation and was waiting for information from the gas company. Our office continued to follow-up with the Ministry to ensure that Ms J's situation was properly addressed. As a result, the Ministry arranged for Ms J's outstanding gas bill to be paid through municipal Ontario Works and her gas was reconnected.

Ms K is blind and resides in a nursing home. She complained to Ombudsman Ontario that the Ministry had told her it would not pay for repairs to her wheelchair under the ODSP because she lived in a nursing home and the expense should have been covered through the Ministry of Health and Long-Term Care. An Ombudsman Representative contacted the Ministry to discuss Ms K's situation. The Ministry noted that it has the authority to authorize wheelchair repairs if there is no other available source of funding. As a result of this intervention, the Ministry agreed to pay for Ms K's wheelchair repairs.

Ms L is a resident of a Northern Ontario community. She complained that she had to attend a medical appointment in Toronto and the Ministry was refusing to pay for her to stay overnight. She said that her health did not permit her to undertake the journey in one day, as she needs regular 30-minute breaks and cannot sit in a car for long periods of time. We contacted the Ministry, which explained that ODSP directives state the "most economical mode of transport and accommodation that an approved health professional indicates a person can use, should be used." After we discussed Ms L's case with the Ministry, it agreed to review her file. It subsequently obtained medical information directly from Ms L's doctor and agreed to pay for three days' and two nights' accommodation.

Ministry of Community Safety and Correctional Services

Adult Institutional Services, Central Region

Mr. A, an inmate at a detention centre, complained that his numerous requests to obtain a pair of reading glasses had been ignored. An Ombudsman Representative contacted the facility's Health Care Coordinator, who advised that she would provide Mr. A with a donated pair of glasses. Mr. A later told us that, after our enquiry, the facility sent his prescription glasses, which were damaged, off-site and had them repaired.

Mr. D contacted our office in distress alleging that two inmates had assaulted him and were threatening to cause him further harm. He said he required immediate protection and removal from his range. He explained that the perpetrators were watching him and had warned him not to speak with any correctional officers. An Ombudsman Representative immediately called facility officials, who agreed to conduct an investigation. As a result of Ombudsman Ontario's intervention, facility officials confirmed Mr. D's claim and moved him to a safer range under protective custody.

Mr. E called our office from a correctional facility stating that he was to be transferred to a facility for treatment for substance abuse and would like to be transferred as soon as possible. Mr. E had been told that the waiting list for transportation to the program was four to eight weeks long. He explained that if he had to wait eight weeks, he would no longer have enough time remaining in his sentence to qualify for the treatment program. Mr. E stated he was willing to give up four months of earned remission in order to finish the treatment program. An Ombudsman Representative enquired into the situation and was told by facility officials to contact the bailiff's office. The bailiff's office explained that Mr. E would be moved in three to four weeks, as his name was not at the top of the waiting list. The Ombudsman Representative then contacted the treatment facility. The Deputy Superintendent of Programs at the treatment facility stated that under the circumstances Mr. E should be considered a priority. She committed to contacting the Provincial Bailiff's Coordinator to ask that Mr. E be placed on the top of the transportation list. As a result of our efforts, Mr. E was transferred for treatment within a few days.

Mr. F, an inmate at a correctional facility, contacted our office explaining that he had signed a form requesting that he be moved from the Protective Custody Unit to the unit holding immigration detainees but instead he had been moved to a Special Needs Unit. He could not understand why this had happened and could not obtain information to clarify the move. Mr. F said that he understood that the psychiatrist was the only person that could sign him out of the Special Needs Unit. Mr. F said that he had seen the psychiatrist three weeks ago and had been cleared for the move. An Ombudsman Representative contacted the facility, which reviewed the matter and explained that although the psychiatrist had cleared Mr. F's transfer, the paperwork had not been processed. The Ombudsman Representative reminded facility officials that the inmate had seen the psychiatrist three weeks previously. As a result of our intervention, that afternoon Mr. F was moved to the unit he had requested.

Mr. G contacted Ombudsman Ontario because correctional staff could not locate his street clothes and he was concerned he would have only an orange institutional jumpsuit to wear when he was released. As a result of our enquiries, arrangements were made to obtain clothing from the Salvation Army for Mr. G, if his clothing could not be located before his release.

Ms H wrote to Ombudsman Ontario about the delay she was experiencing in getting medical treatment for a gynecological condition. She also claimed that there was blood in her urine. Ms H said correctional staff had not responded to her requests for medical intervention. As a result of Ombudsman Ontario's enquiry concerning Ms H, facility medical staff located and reviewed previous test results that had been filed, and then ordered a urine test and treatment for Ms H's condition.

Dear Ombudsman

Thank you for your help. We really appreciated being treated with some respect.

Mr. I, an inmate of a privatized correctional facility, complained to the Ombudsman that his canteen order went missing while he was in segregation. As a result of our intervention, the facility reimbursed Mr. I for his canteen order and developed a tracking system for incoming canteen orders.

Mr. M contacted Ombudsman Ontario because his medication had been discontinued after he was transferred from a privatized correctional facility to a provincial correctional facility. Mr. M said he was told no medication would be prescribed until his medical file was reviewed. An Ombudsman Representative contacted the facility and was told that Mr. M's medical file had not been transferred with him. As a result of our enquiry, Mr. M's file was located and reviewed, and his medication was continued.

Mr. N called us from a jail complaining that the Chaplain had refused to recognize him as a Muslim inmate. He explained that he had converted from a Christian faith and been recognized as a Muslim in another institution. An Ombudsman Representative contacted the institutional Chaplain. As a result of our intervention, the Chaplain agreed to meet with the inmate, provide him with the items he needs to practice his faith and ensure he is provided with a Halal diet.

Mr. O called us from a correctional centre. He stated that he had been transferred from a federal facility to attend court, but claimed this was in error as there were no outstanding charges against him. The facility maintained that it could not transfer Mr. O back to the federal system until his court proceedings were complete. However, as a result of our enquiries, the facility reviewed the matter further, determined it had made a mistake and made arrangements to transfer Mr. O back to a federal institution.

Mr. P called our office concerned because he had not received his blood pressure medication since his admission five days previously. Mr. P said that the facility's nurses kept telling him that the facility doctor had not approved his medication. Mr. P complained that he was feeling unwell with dizzy spells and light-headedness. An Ombudsman Representative contacted the facility's Health Care Coordinator, who confirmed that the facility doctor did not agree with the medication Mr. P had been taking. After the Ombudsman Representative alerted the facility to Mr. P's symptoms, he was promptly seen by the doctor who prescribed new medication for him.

Mr. Q contacted our office concerned that, although his wife had been granted permission to attend his probation and parole hearing that day at a correctional facility, the facility had just told her that she would be denied entry. Mr. Q said that his wife's attendance at the hearing was critical to his consideration for parole. An Ombudsman Representative immediately contacted the facility and spoke with the Security Manager, who agreed to review the situation. The Security Manager later advised that there had been a communication problem and that he had since instructed the front desk to grant Mr. Q's wife entry into the facility to attend the hearing.

Mr. R is an inmate at a privatized correctional facility. Mr. R said that because of orthopedic difficulties, he had been given medical approval to use his street shoes while incarcerated. However, he claimed that he had been waiting for weeks to get his shoes and that he was experiencing a great deal of difficulty and pain while walking in the facility. An Ombudsman Representative spoke to the facility's Health Care Coordinator, who confirmed Mr. R's use of street shoes had been approved and explained that the shoes were with the Security Manager for assessment. Through the Ombudsman Representative's contacts with the Security Manager, Health Care Coordinator and Communications Director, we were able to assist Mr. R to get his shoes.

Mr. S, for whom English is a second language, called our office to raise concerns about frequent strip searches. Mr. S also questioned a recent decision of the Ontario Parole and Earned Release Board (OPERB). Our staff contacted the facility's Deputy Superintendent of Operations to discuss Mr. S' difficulties which appeared to relate to his inexperience in speaking English. We enquired whether Mr. S could be provided with interpretation services. Subsequently, the facility was able to explain the strip search requirement to Mr. S and arranged for an interpreter to be present when the OPERB appeal process was explained.

We received a call from Mr. T. He explained that his cellmate, Mr. U, only spoke Vietnamese. He said that Mr. U had injured his shoulder and needed assistance. An Ombudsman Representative arranged for Mr. U to call back and spoke to him using an interpreter supplied by our office. Mr. U explained that he had fallen out of his top bunk almost a month previously and had injured his shoulder. He said he had seen the facility doctor a week ago and been told that he would need to see his family doctor when he was released. Mr. U was concerned that the doctor did not understand how much pain and discomfort he was having with his shoulder. The Ombudsman Representative spoke to the Deputy Superintendent of the facility and was informed that no accident report or occurrence report had been made concerning Mr. U. The Health Care Unit confirmed that Mr. U had been seen by a doctor, who found a shoulder abnormality and prescribed pain medication, but no follow-up. The Ombudsman Representative was able to persuade a nurse go to see Mr. U and assess his condition. Mr. T later told us that Mr. U had received treatment as a result of our intervention.

Mr. V complained to our office that after an internal facility transfer he was told he would no longer receive his approved religious kosher diet. An Ombudsman Representative immediately contacted the facility's Chaplain and requested that he review the matter. The Chaplain later advised us he had discovered that Mr. V's name had been mistakenly removed from the list of kosher meals. He assured us that he had taken steps to ensure that Mr. V received his proper religious diet in future.

Mr. W complained to our office that while he was in a correctional facility preparing for court, he discovered that his clothes were missing. He said he had reported it several times to staff. He also said that staff provided him with clothes from the Salvation Army for his court appearances. In response to the Ombudsman's notice of intention to investigate, the facility stated that there was no record that Mr. W had ever complained that his clothes were missing. It was also stated that there was no note on Mr. W's personal property declaration form that he had been issued any clothes from the Salvation Army. The facility explained that Mr. W's friend had removed all of his personal property and clothing prior to Mr. W's transfer to another facility. The facility also explained that Mr. W had signed his property form, declaring that he had his clothes at the time of his transfer. It was suggested that if Mr. W's clothes did go missing it was after he was transferred to another facility.

Ombudsman Ontario's investigation revealed that Mr. W's property form was a copy and not an original, it was incomplete and contained no information about his friend removing his property. We also learned that it was not the facility's practice to keep any record of an inmate's receipt of Salvation Army clothing and staff advised that the documents suggested that Mr. W's friend had only picked up his personal property and not his clothes. We discovered that clothing exchanges can be made and are recorded but otherwise no clothing can be taken out of the facility. During the investigation, the facility located Mr. W's clothes, which had been placed in the wrong garment bag and they were returned to him. The facility Superintendent also apologized for the earlier response, and acknowledged that the suggestion that another facility may have been responsible was inaccurate.

Mr. X complained to the Ombudsman that the prices charged by a private supplier for inmate canteen items were too high and inconsistent with the Ministry's inmate information guide, which provided that canteen prices are the same as "on the street." Mr. X gave the example of a 60 gram item marked 99 cents, which was substituted for a 70 gram item for which inmates had paid $1.41. In response to the Ombudsman's notice of intention to investigate, the Assistant Deputy Minister advised that the canteen supplier had been directed to ensure that if canteen substitutions are necessary, the product would be substituted with one of equal or greater value. He also advised that the current inmate information guide had not been revised for some time and is currently undergoing review.

Mr. Y called our office and explained that he had been given permission by the facility's doctor to use contact lenses. However, he was not allowed to use contact lens solution, and consequently one of his lenses was damaged. At the time he contacted us, Mr. Y was quite concerned because he could only use one lens. Mr. Y said that his parents had brought in several pairs of disposable lenses but despite his requests, the facility had not provided these to him. After an Ombudsman Representative made a few calls to the facility, it admitted that the disposable lenses had been misplaced. The facility agreed to reimburse Mr. Y's parents for the cost of obtaining replacement lenses.

Mr. Z called our office and explained that he had been transferred from one facility to another because of allegations that he had done something to a staff person or his family. He said his inmate card, which correctional officers have access to, contained these allegations and that correctional officers were causing him difficulties as a result. An Ombudsman Representative spoke to the Security Manager at the receiving facility who explained that the information was on a computer-generated printout that stated, "management risk – management problem previous – must not return to the [facility] – offences against staff." The Security Manager explained that the transferring facility had advised that Mr. Z's brother, during a random shooting, had killed a good friend of an Operational Manager at the transferring facility. Mr. Z was transferred because inmates at the transferring facility liked the Operational Manager and there was concern that they might assault Mr. Z. The Security Manager said that, although the information on the inmate card appeared to be wrong, it would have to be corrected by someone at the transferring facility. The Ombudsman Representative made a number of enquiries to the transferring facility. Eventually, the Operational Manager whose friend had been killed offered to have the information corrected. The Security Manager at the receiving facility later confirmed that the information had been changed.

Mr. A called our office because he was concerned that he had been waiting 26 days for the correctional facility he resided in to convert his U.S. funds to Canadian dollars. He believed the delay could cause him to miss his weekly canteen order, which also included stamps for letters to his family overseas. As a result of our call to the facility, it offered to pay for Mr. A's postage immediately because of the delay in getting his cheque converted to Canadian funds. The facility explained that the problem was that banking was done only twice a month. The facility committed to reviewing and possibly changing this procedure to avoid future delays.

Ms B wrote to our office complaining that since her admission to a correctional facility she had not received proper medical attention for her finger, which she believed was broken. Ms B said that she had brought the problem to the attention of the health care staff but that no action had been taken. An Ombudsman Representative contacted the Health Care Unit of the facility and advised them of Ms B's concern. As a result of our intervention, Ms B was sent to an outside hospital for treatment.

Mr. C called our office saying he needed help in planning his discharge from a correctional facility. He said he would soon be released and he wanted to ensure that he received social assistance when he was released. Mr. C claimed he had put in five requests to the facility for help but had not received a response. As a result of our enquiry to the facility, arrangements were made for a discharge planner to meet with Mr. C.

Mr. D contacted our office complaining that he had not been given medical tests the institutional doctor had ordered for him and he was experiencing increasing abdominal pain. An Ombudsman Representative contacted the Health Care Coordinator at the facility, who agreed to schedule Mr. D for tests on a specific date. Mr. D called our office later complaining that he did not have the tests on the scheduled date and he was being asked to sign a form acknowledging that he refused to go to health care for the tests. He denied refusing to attend for the tests. Following a second call to the facility by the Ombudsman Representative, Mr. D received the tests and the facility apologized to him for the delay and miscommunication.

Mr. T called our office five days after he had been admitted to a correctional facility complaining that he needed to see a doctor because he had not been able to sleep since his admission. Mr. T explained that he had been taking medication for three months before his incarceration, but that he had not received anything since. Although Mr. T knew the name of the medication, he was unaware that he had been taking an anti-depressant. He told an Ombudsman Representative that he was feeling very depressed and was crying most of the time. The Ombudsman Representative called the Senior Nurse at the facility. The Senior Nurse said that the doctor did not renew Mr. T's medication because he was already taking two other kinds of anti-depressants. Upon further questioning by the Ombudsman Representative, the Senior Nurse realized that a mistake had occurred and that two inmate files had become confused. As a result of our intervention and on the same day, a nurse went to see Mr. T, called his drugstore to confirm the information he had given and his medication was re-ordered. Mr. T was also put on the list to be seen by the doctor.

During a tour of a privatized correctional facility, an Ombudsman Representative met a hearing-impaired inmate, who had been unable to contact his family because there was no teletypewriter (TTY) available for him to use. A TTY or text telephone, has a typewriter keyboard with a text screen. Using a TTY, an individual can make or receive telephone calls by typing their conversations, via two-way text. The communication can be read on a lighted display screen and/or a paper printout in the TTY. The Ombudsman Representative spoke with facility staff, who explained that there were no telephone jacks in the living units to accommodate a TTY. Another hearing-impaired inmate complained to us about this issue and we continued to address it with the facility. As a result of our persistence, the facility took the necessary steps to make a TTY available to inmates.

Dear Ombudsman

Usually all one gets one polite form letters that in essence say, "this is how we're skipping out on this matter and... have a nice day." You did an excellent job of drawing a bead on my letters and outlining the appropriate parameters. I very much appreciate that.

Mr. U called our office concerned that institutional health care staff had missed his methadone dosage the day before. He explained that he was feeling very unwell and that he feared his dose would be missed for a second day. An Ombudsman Representative immediately contacted a senior health care representative, who looked into the matter, and acknowledged that there had been some nursing errors resulting in a delay in Mr. U receiving his medication. The facility subsequently provided Mr. U with his medication and health care staff met with him twice to ensure that he had no additional concerns.

Mr. V, an African Canadian inmate, complained that when he was transferred to a smaller correctional facility, his "afro pic" hair comb had been confiscated and culturally appropriate hair grooming products were not available from the facility's canteen list. Mr. V was concerned that his inability to properly comb his hair would negatively compromise his opportunity to present a positive image at his trial. Mr. V also noted that the restriction on culturally specific products had an adverse impact on an identifiable ethnic and cultural group within the inmate population of the facility. When our staff contacted the facility, we were told that the Superintendent had decided to remove these culturally specific products from the canteen list. We then contacted the Ministry's Anti-Racism Coordinator to discuss the situation. The Anti-Racism Coordinator ensured that the culturally specific products would be immediately returned to the canteen list. Further, the Ministry advised that guidelines had been changed to prevent an individual Superintendent from making a random arbitrary decision. Now Superintendents must proceed through the Ministry's Canteen Committee to obtain approval for removing any items from their facility's canteen list.

Dear Ombudsman

Without the special focus and unique perspective provided by your office, I am certain we would not have been able to attain the results realized. Thank you very much.

Mr. W contacted our office concerned because he was awaiting deportation and the correctional facility in which he was housed had confiscated and subsequently lost his prescription eyeglasses. Mr. W explained he had been trying for months to resolve the matter and he was very concerned that he would be deported without his glasses. Our staff immediately contacted the facility's Health Care Coordinator, who, after a prompt investigation, confirmed that the facility was at fault and would absorb the full replacement cost of the prescription glasses. Mr. W was provided with new glasses before he was deported.

Mr. X called complaining that inmates were required to use the same Styrofoam cups and plastic spoons for all three meals. However, no arrangements had been made for storing or cleaning them. An Ombudsman Representative contacted the facility, which issued a memorandum to all staff confirming that inmates were to be given fresh spoons and Styrofoam cups with each meal.

Mr. A complained to the Ombudsman that he had not received continuity of medical care when he was admitted to a correctional facility operated by a private administrator. His community physician had prescribed a treatment routine for a pre-existing head injury that included antibiotic medication four times daily, daily dressing of his wound and administration of pain medication one hour prior to the dressing change. Mr. A said he had only been provided with the antibiotic three times a day, his dressing was not changed daily and he was not given pain medication on any consistent basis. A review of the facility's medical records confirmed Mr. A's allegations. Our office shared its investigative results with the Ministry, which reviewed the case with the private administrator. The private administrator agreed to compensate Mr. A in recognition of the medical challenges he had faced during his incarceration. As a result of this case, the Ministry developed a "medication omission" definition, to ensure that the private administrator forwards occurrence reports to the Ministry's Senior Medical Consultant when medication doses are not administered. The Ministry also committed to continuing to conduct health care services reviews at the facility to ensure quality health care services are provided to inmates.

Mr. B called our office complaining that he had not received his medications for HIV and Hepatitis C since his admission to a privately run correctional facility. Our staff determined that Mr. B had waited a day and a half to receive his medications as a result of a transfer between facilities. As a result of our intervention, the Senior Nursing

Consultant sent a reminder to all health care coordinators reminding them to provide a supply of essential medication for inmates on transfer.

Adult Institutional Services, Eastern Region

Mr. R, who was serving an intermittent sentence over two weekends, called to complain that he had not received prescribed antibiotics during the first weekend he had been in custody. Prior to his incarceration, Mr. R had advised the facility nursing staff that he was receiving antibiotics four times a day. He was told that he could not bring his medication to the institution but that he should write down the details. When Mr. R arrived at the facility on Friday night, he was told he was being transferred to another facility that would address his medication issues. He arrived at the second facility at midnight. When he told the nurse at the second institution that he required antibiotics, he was told she would see what could be done. However, inmates were restricted to their cells all weekend and Mr. R never received any antibiotics. An Ombudsman Representative contacted health care officials and the Deputy Superintendent at the facility Mr. R had first attended. Staff was unclear as to whether an inmate entering the institution should be told to bring in a prescription, their medication or an empty bottle with the prescription on it. As a result of our enquiries, the Health Care Coordinator at the first facility issued a memorandum outlining the procedure for intermittent inmates on medication being transferred to a second facility.

Mr. C, an inmate at a correctional facility, complained that he had returned from court to find that his bedding had been removed. He said he asked the correctional officers, who were then on duty, for bedding but was given only a mattress. He stated that when he requested a pillow, sheets and a blanket, he was told the officers were busy and later warned that he would be placed in a segregation cell if he continued with his request. An Ombudsman Representative contacted the Deputy Superintendent at the facility, who looked into the matter and confirmed that Mr. C had been denied bedding the previous night. He explained that the correctional officers in question had explained that the laundry room had been locked. However, the Deputy Superintendent said that, although the Laundry Officer had left the building, complete bedding was available on a twenty-four hour basis to inmates and that the correctional officers simply failed to do their job. The Deputy Superintendent expressed concern that Mr. C had spent a cold night without adequate bedding. As a result of our enquiry, the Deputy Superintendent addressed the situation with the correctional officers and Mr. C was supplied with adequate bedding.

Mr. E contacted Ombudsman Ontario concerned that although his eyesight was deteriorating, a facility doctor had told him that nothing would be done about it, as his release was imminent. An Ombudsman Representative contacted the facility's Health Care Coordinator, who, as a result, arranged for Mr. E to be seen by the doctor again and provided him with a pair of non-prescription glasses, which improved his eyesight.

Adult Institutional Services, Northern Region

Mr. K called our office because he was having trouble contacting a lawyer, who had spoken to him at court and told him she was willing to represent him. He received the list of local lawyers from the facility but could not find the lawyer's name on it. Our staff spoke to the facility's Superintendent, who agreed to find the lawyer's telephone number. The Superintendent was able to locate the lawyer and provided the inmate with her telephone number.

Mr. L called our office, concerned that he was not being provided with safety shoes when he worked in an institutional kitchen, in accordance with Ministry policy.

An Ombudsman Representative contacted the facility's Superintendent, who indicated that the issue of safety shoes was under review but that there had been no change in policy. As a result of our call, the Superintendent instructed that inmates working in the kitchen be provided with safety shoes.

Adult Institutional Services, Western Region

Mr. A complained that he had had to pay for his own ticket home when he was released from a correctional facility. He explained that he had been transferred to a facility farther from his home for a court date, but that he had been released after the court dismissed his outstanding criminal charges. The facility refused to pay for his ticket because he had not requested reimbursement in advance, in accordance with Ministry policy. We were told by the facility that Mr. A should have known about the requirement that reimbursement be requested in advance. However, when we spoke to the Acting Deputy Regional Director, he agreed that as Mr. A was not made aware of the policy he should be reimbursed. Consequently, Mr. A was reimbursed the price of the ticket.

Ministry of Consumer and Business Services

Registrar General Branch (the Branch)

Mr. A complained to our office because of the problems he was experiencing in obtaining a certified Statement of Live Birth for his son. He explained that he required this document to apply for dual citizenship for his son. He said that he had been waiting for over six months for the document and had recently been informed that the application form he had submitted, which he had obtained from the Canadian Embassy, was no longer valid. Mr. A was unable to get through to the Branch by phone to discuss the situation. An Ombudsman Representative contacted the Branch. It explained that its forms had changed in 2001 and that Mr. A had not received the certificate because he had not provided a guarantor or sent the correct fee. As a result of our enquiry, Mr. A was provided with a contact name and fax number at the Branch, so that he could send the missing information and outstanding fee and have the application processed in a timely manner.

Ms D, who currently resides in the United States, contacted our office concerned about the delay she was experiencing in obtaining a birth certificate with a raised seal. She explained that she required this type of certificate so she could meet the United States' new travel requirements. Ms D said that despite her letters of complaint, she had been unable to obtain information about the status of her application. An Ombudsman Representative made a number of enquiries to the Branch about Ms D's application. As a result of our intervention, Ms D received her certificate within seven business days.

Mr. E contacted our office, as he had been trying without success to obtain a copy of his marriage certificate for immigration purposes. He explained that if he did not obtain the certificate within 90 days of the marriage, he could face deportation. He said he had contacted the Branch and so had his Member of Provincial Parliament, but the Branch said the certificate could not be expedited and that it would take over 40 weeks to process. An Ombudsman Representative contacted the Branch to discuss Mr. E's situation and as a result, a few days later Mr. E received the certificate.

Mr. F contacted our office and explained that the Branch would not give him a long form of his birth certificate because he did not know his mother's maiden name. He explained that his Member of Provincial Parliament had attempted to assist him without success and that he had been unable to get through to the Branch by phone.

An Ombudsman Representative spoke with a Branch official who agreed that Mr. F could fax a list of various names that his mother may have had as a maiden name. Consequently, Mr. F provided the information and received the certificate.

Ms G contacted our office because she was unable to reach the Branch by phone. She had applied for a birth certificate in August 2003 and re-submitted her application in September 2003. Eight months later she had paid for, but not yet received, her certificate. As a result of our enquiry, the Branch determined that because of the municipality's error, Ms G's name was incorrectly registered. The Branch corrected the problem and sent Ms G the certificate within days of our call.

Mr. H called to complain about the Branch's delay in providing him with a refund. The Branch had mistakenly billed the cost of his birth certificate to his credit card twice. Mr. H had been writing and calling the Branch for months, but had still not received a refund. As a result of our intervention, Mr. H finally received his refund.

Mrs. I, a senior, contacted our office concerned about the delay in receiving her late husband's death certificate. She required the certificate to apply for a widow's pension and her pension in England. An Ombudsman Representative contacted the Branch and as a result, Mrs. I received the certificate within a week.

Ms J lives in Newfoundland. She called our office to explain that her 10-year-old son had been accepted by a Tim Horton's summer camp program, but could not attend without his birth certificate. Ms J had applied to the Branch for a certificate seven months earlier. The Branch had informed her two weeks previously that the guarantor information was missing. She had immediately forwarded the information by facsimile. Ms J was very concerned that her son would miss out on the opportunity to attend camp. As a result of our intervention with the Branch, Ms J received the certificate the next day.

Ms K contacted our office explaining that she lives in Quebec and her daughter's temporary Quebec medical coverage was due to expire at the end of the month. She required her daughter's Ontario birth certificate to apply for permanent Quebec health coverage. She had applied for urgent service and over a month later had not received the birth certificate. She was unable to get through to the Branch by phone to find out what was causing the delay. Our enquiries revealed that the Branch had not yet received the registration notice or Statement of Live Birth from the municipality where Ms K's daughter was born. It requested more information about where and when the birth had been registered. Ms K provided this information by facsimile and received the certificate five days later.

Ms L contacted our office complaining about a delay in obtaining her late father's birth certificate, which she required for an application for Canada Pension Plan survivor benefits. Ms L explained that she had initially contacted the Branch over a year earlier, because she did not know some of the information requested on the application such as the age of her father's parents at the date of his birth. She had been told that this information was not mandatory and that she need only complete the basic information about the birth. She sent her application for expedited service and then resubmitted it when she learned that there was a special facsimile number for this type of service that had not been included on the application form. When she contacted the

Dear Ombudsman

I submitted a change of name application in February of this year and was informed by the Ministry of Consumer and Business Services, Office of the Registrar that the delay in processing applications extended over year. The urgency in my application was due to my pending law school graduation. Fortunately with your persistence, the Ministry of Consumer and Business Services pulled my file from hundreds of applications in order to have my change of name issued immediately.

Branch again, she was advised that unless she provided the information she had been told earlier was not mandatory, it was possible she would not get the birth certificate at all. An Ombudsman Representative contacted the Branch and explained Ms L's situation. As a result of our enquiry, Ms L received the certificate a few days later.

Mrs. M is a senior who contacted our office and explained that she needed her birth certificate for a passport so that she could travel with her son's family to Europe. Mrs. M had applied for her birth certificate with a request for expedited service. Four months later she had still not received her birth certificate. An Ombudsman Representative contacted the Branch, which advised that Mrs. M's mother's maiden name on her application form did not match the name they had on the birth registration record. The Branch suggested that Mrs. M provide her grandmother's maiden name. Mrs. M explained that her middle name was taken from her grandmother's maiden name. The Ombudsman Representative provided this information to the Branch, which sent her the birth certificate within two business days.

Ms R is the mother of a two-year-old boy. She had paid cash for a long form birth certificate for her son at the Toronto office of the Branch five months before contacting our office because she had not received the certificate. She said she was unable to get through to the Branch by phone to find out what was happening. An Ombudsman Representative learned from the Branch that it had mailed a certificate a month earlier but that it had been returned as undeliverable. Although Ms R had moved, she had forwarded her new address to the Branch. We discovered that the problem lay with the Branch, which had mailed the certificate to the wrong province. The next day, the Branch sent the certificate to Ms R's correct address.

Dear Ombudsman

I'm happy to say that the copy of my marriage certificate arrived in the mail today. I am convinced that without your intervention it would still be sitting in someone's in-basket, and I want you to know how much I appreciate your efforts!

Mr. M contacted our office concerned because he had not received his marriage certificate. He needed the certificate to receive his pension payments, which were due to begin in one month. He had sent in two applications in successive months and his credit card had been charged twice but he still had not received a certificate. Following our enquiries, the Branch committed to process Mr. M's applications within two weeks.

Mrs. S, an 83-year-old widow, contacted our office because she needed to apply for widow benefits under the Quebec Pension Plan and the Branch had not sent her a copy of her marriage certificate. She had applied for the certificate five months before she had contacted our office and had been unable to reach the Branch by phone to discuss the case. As a result of our enquiry to the Branch, it proceeded to process and mail out the certificate to Mrs. S.

Mrs. T resides in the United States. Her husband died while hunting in Northern Ontario. She contacted Ombudsman Ontario complaining that although she had applied twice for several copies of her late husband's death certificate and her credit card had been debited for the cost, she had still not received the certificates. Mrs. T explained that her financial situation was becoming desperate and she needed the death certificates to access assets, insurance benefits and to settle her late husband's estate. Although Mrs. T had made numerous calls to the Branch, she had been unable to speak with a live agent. As a result of our enquiry, the Branch proceeded to process the certificates and send them to Mrs. T.

Ms U called our office explaining that her birth certificate and other identification had been stolen in September 2003. She had applied for a new certificate at that time. At the request of the Branch, Ms U had sent in additional information during 2004. Although she phoned the

Branch from time to time, Ms U could not get through. Within two hours of our enquiry to the Branch, it had located Ms U's file and printed her certificate. The Branch had discovered, as a result of our call, that the application had mistakenly been waiting in a backlog of applications that had required additional information.

Mr. V, an executive member of a new church, complained to the Ombudsman that his church had been waiting for 11 months for the Branch to process its application for a certificate of new denomination. He explained that until the church receives a certificate, the pastor couldn't solemnize any marriages. Mr. V's local Member of Provincial Parliament had looked into the matter six months earlier, and the Branch had informed him that it would make the application a priority, but Mr. V had heard nothing since. Mr. V was unable to get through to the Branch by phone. When our office contacted the Branch, we were advised that the application had not been reviewed and that it was not uncommon for such applications to take at least a year to be processed. As a result of our intervention, the Branch reviewed the application and noted that there was information missing. The Branch committed to contacting Mr. V to obtain the necessary information and to expedite the processing of the application once the information was received.

Ministry of Economic Development and Trade

Liquor Control Board of Ontario (LCBO)

Mr. N, an owner and operator of a refrigeration company, contacted our office because he was owed approximately $15,000 for two jobs done four months previously for the LCBO. He contacted the Ombudsman because his daily calls to the LCBO had not resulted in payment. The same day we enquired about the matter, the Ministry processed the company's invoices and couriered a cheque to it.

Ministry of Education

Mr. C is the father of a 9-year-old son with a language disability. He contacted our office because his son had been placed in a French class even though he was unable to understand and learn in this type of academic program. An Identification, Placement, and Review Committee (IPRC) had also decided that he would be exempt from taking French.

Mr. C said that the school principal and the superintendent had told him that the course was a mandatory part of the Ministry's curriculum and no student could be exempted. The school board was not an organization over which the Ombudsman had jurisdiction, however, an Ombudsman Representative contacted the Ministry to enquire about its position regarding curriculum exemptions. Ministry officials stated that exemptions to the school curriculum are permitted for students with special needs and the principal of the school should be complying with the IPRC plan. Mr. C was provided with the name and phone number of a Ministry education officer to contact to discuss his concerns. The Ministry also committed to contacting the superintendent to ensure that she understood the Ministry's policy on this matter.

Ministry of Energy

Hydro One Networks Inc. (Hydro One)

Ms C owns a seasonal property and complained to our office that she was experiencing ongoing problems with Hydro One. Ms C received a very high bill from Hydro One in September 2003. At that time, she contacted Hydro One and was told the meter reading they took in August 2002 was significantly higher than in previous years and may have been in error. Ms C said that, although Hydro One became aware of the problem in August 2002, they did not share this information with her or fix the

problem at their end. Hydro One insisted that Ms C pay the bill in full, but allowed her to pay in installments over a 24-month period. Even after Ms C entered into this payment agreement, Hydro One continued to increase the amount of installment payments it required her to pay. In September 2004, Ms C received another inflated bill and tried to speak with a supervisor before contacting our office. Ms C said that Hydro One did not return her call but transferred her file to a collection agency. An Ombudsman Representative contacted Hydro One and explained the situation. Hydro One agreed to call Ms C directly and offered to credit her for 12 months' consumption (approximately $2,000) leaving her account in a credit balance.

Ms D is a resident of a remote community in Ontario. She contacted our office extremely upset because her hydro had been cut off. It was September; she was seven months pregnant and had a three-year-old child whose bronchitis flares up in cold weather. She is alone in the home most of the time, as her husband works in the bush and is away for long periods. Ms D explained that she had paid the outstanding hydro account but her hydro had not been restored. Hydro One had told her that she could pay $500 to have the power reactivated immediately or wait until the second week of October, when a staff member would be in her community. Ms D said that it was hard enough to pay her hydro on a regular basis and she did not have an extra $500 to pay for reconnection. An Ombudsman Representative contacted Hydro One to discuss Ms D's case. Shortly after our contact and as a result of our alerting Hydro One to Ms D's circumstances, her hydro was restored when Hydro One responded to an urgent call in her community.

Dear Ombudsman

WOW you sure get things done. I had waited close to 7 weeks, one call to you and two days later my birth certificate is at my door.

Ministry of the Environment

Drive Clean Program

We received a complaint about the Ministry's Drive Clean Program concerning gasoline/electric hybrid vehicles. An owner of this type of car explained that she was required to bring her car in and pay for an emissions test, even though hybrid cars do not have any measurable emissions. The Ombudsman wrote to the Minister of the Environment about this situation. The Minister responded that it and the Ministry of Transportation were working together to review the regulations under the *Environmental Protection Act* and the *Highway Traffic Act* to determine if a regulatory change was required.

Subsequently, the Ministry advised that an amendment was made to the *Highway Traffic Act*. Effective May 1, 2005, these vehicles will be exempt from the current Drive Clean tests. The Ministry indicated that hybrid vehicle owners who have had Drive Clean tests will have their fees refunded and it would initiate contact with those customers after May 1, 2005.

Ministry of Finance

Ontario Health Premium

Mr. L, a senior living in British Columbia, contacted our office concerned that his former employer, a joint federal/provincial agency, was deducting the Ontario Health Premium from his monthly pension payments. An Ombudsman Investigator contacted a Ministry counsel who researched the matter and found that out-of-province pensioners should not have the health premium deducted from their Ontario pensions. When the Investigator advised the agency of this, it claimed that it had been informed by the Ministry that the health premium was to be deducted from pension payments made to out-of-province pensioners. After our Investigator told the Ministry counsel about this,

he took steps to ensure that the script used by the staff answering information inquiries was changed to include information about pension payments and the Ontario Health Premium. The agency contacted the Ministry and confirmed that deductions were not required in Mr. L's case. The agency sent a letter to Mr. L apologizing and advising that it would correct the mistake, and adjust the future pension payments of other retired employees who were no longer residing in Ontario.

Retail Sales Tax Branch

Mr. A complained to our office about the delay in obtaining a rebate of retail sales tax. He explained that he had purchased a vehicle to transport his autistic son and his son's guide dog and he had applied for a rebate of the retail sales tax under a program for Vehicles Purchased to Transport Persons with Permanent Physical Disabilities. He said the Ministry told him that the program was being eliminated effective May 19, 2004, that all rebate applications received on or after that date would be held until enacting legislation was passed and that he would have to wait for a decision on his application. Mr. A considered this to be unfair. He noted that he had applied for the rebate in April 2004. An Ombudsman Representative contacted the Ministry to discuss Mr. A's situation. The Ministry undertook to review Mr. A's file and discovered that he had incorrectly dated the application May 20, 2004, resulting in his application not being processed. The Ministry consequently deemed Mr. A's application to have been made prior to the program termination date and mailed him a rebate cheque.

Ministry of Health and Long-Term Care

Assistive Devices Program

Mr. I contacted our office on behalf of his mother, for whom he has a power-of-attorney. He explained that his mother is diabetic and in the past the Ministry had paid for her insulin syringes. Mr. I said that the Ministry refused to continue to cover this expense, once his mother moved into a retirement home. An Ombudsman Representative contacted the Ministry and clarified that Mr. I's mother was not in a long-term care facility that covers such expenses but in a retirement home. As a result of our intervention, the Ministry agreed to reactivate the coverage and deposited an annual payment for the syringes into her account.

Drug Programs Branch

Ms A required a drug for her medical condition that was not covered by the Ontario Drug Benefit Program. If an individual who is eligible under the Program requires a drug not normally covered under the Program, the Minister may allow for special coverage once the individual's physician recommends it. Ms A had obtained approval for the drug in the past, but it was due to expire. The Ministry's form states that approval requests should be submitted six weeks prior to the expiry date. Ms A's physician submitted the necessary form to the Ministry requesting an extension of coverage within six weeks of the expiry date. However, after six weeks had passed and Ms A's physician had not received a response to her request, Ms A contacted

Dear Ombudsman

On behalf of the member agencies and community hospitals, a huge THANK YOU for your presentation yesterday. And we thought we knew it all!! The presentation was clear, professional, and extremely informative to all who attended. As a group of non-profit community service agencies in the Metro area, it is a commitment of the members to invite guest speakers to inform, and educate us about services that would benefit both client, caregivers, and certainly ourselves. It is often quite difficult to navigate the Systems, and for the client population we serve, it is daunting chore. We have now added Ombudsman Ontario to our collective resource list.

our office. When we contacted the Ministry, it advised that the approval process now takes 16 weeks. Ms A was very concerned that she would not receive the coverage extension in sufficient time for her to obtain her medication. When our office enquired into the matter, the Ministry confirmed that because of a large increase in the volume of special coverage requests, the approval time had increased substantially. The Ministry advised that it is working to implement operational improvements to expedite the process. As a result of our intervention, Ms A's extension was approved and she was able to obtain her medication.

Health Professions Appeal and Review Board

Ms R complained that the Health Professions Appeal and Review Board had not addressed a request she made, which the Board had stated it would consider. The Ombudsman suggested to the Board that its decisions should address requests raised during its reviews. The Board responded by issuing a memorandum to its members reminding them of the statutory requirement to provide written reasons and the importance of responding to significant submissions.

Ms S contacted our office complaining that the Health Professions Appeal and Review Board had failed to address a significant issue she raised in her request for review. We reviewed the Board's file and confirmed that the Board failed to address this issue. After we brought this to the Board's attention, it suggested that Ms S request reconsideration, clearly identifying her basis for doing so. As it appeared that Ms S' concerns could be addressed through the reconsideration process, her file was closed.

Ontario Health Insurance Plan (OHIP)

Ms A contacted our office to complain about OHIP. She explained that her doctor had instructed her to obtain medical tests while she was vacationing in British Columbia, because the tests had to be conducted at a certain time of the month. Ms A said she spoke with two Ministry staff who both assured her that the tests would be covered by OHIP. Ms A paid for the tests, certain that she would be reimbursed by the Ministry. After she returned home, Ms A learned that only a portion of the money she had paid would be reimbursed under OHIP. In response to the Ombudsman's notice of intent to investigate, the Ministry agreed to reimburse Ms A in full for the tests.

Ms B, a complainant with special needs, contacted our office concerned because her son's OHIP coverage had been terminated and she needed his birth certificate to reinstate his coverage. Ms B's son was born in 1996 but his birth had not been registered. Ms B was in the process of registering the birth but it could be months before a certificate was obtained. An Ombudsman Representative contacted the Ministry to discuss Ms B's options. The Ministry advised that it would accept proof of the parents' residency and a letter from the hospital where the child was born. Ms B contacted our office again when she learned she would have to pay $75 for such a letter. She explained that she did not have the money to pay for it. Following our second intervention with the Ministry, it agreed, given Ms B's circumstances, to obtain confirmation of the child's birth directly from the hospital. Consequently, the Ministry granted OHIP coverage for one year to enable Ms B to obtain her son's birth certificate.

Mr. C contacted our office concerned that he would not be able to extend his daughter's OHIP coverage. His daughter was born overseas in 2001. Mr. C relocated to Ontario in 2003. His daughter's OHIP coverage was due to expire at the end of February 2005. The Ministry had advised that it required the child's actual certificate of citizenship or a passport to extend OHIP coverage. Mr. C had applied for these documents but it was unlikely that they would be available in time. Following our intervention,

the Ministry agreed to extend the OHIP coverage for a number of months, if Mr. C provided it with copies of the child's birth certificate and parental identification documents.

Ms D is the daughter of an elderly non-English speaking couple. She explained that her father suffers from Alzheimer's Disease and that her mother is his only caregiver. Ms D noted that both her parents needed to renew their health cards but, given her father's medical condition, he was unable to wait for hours in an OHIP office. An Ombudsman Representative contacted the Ministry to discuss the situation. The Ministry advised that the father's physician could complete a photo and signature exemption request form, which would allow Ms D and her mother to attend an OHIP office to renew the cards without her father having to have a photo taken or sign his card. The Ombudsman Representative discussed this option with Ms D, who noted that it would be difficult because this would require her mother to leave her father with a neighbour. Ms D asked if it would be possible to schedule an appointment with the Ministry to minimize the length of time her mother would be away. The Ombudsman Representative spoke with Ministry staff again, to try to resolve the situation. Following this intervention, the Ministry agreed to automatically renew both OHIP cards.

Ms E contacted our office concerned that her son's OHIP coverage was due to expire and she could not renew it because he did not have a birth certificate. Ms E explained that since her son is sick quite often, the local OHIP office had extended his coverage without a birth certificate the previous year. Ms E explained that she had not registered her son's birth or applied for a birth certificate. An Ombudsman Representative discussed Ms E's situation with the Registrar General Branch, which indicated it would send Ms E a birth certificate application. When the Ombudsman Representative explained Ms E's case to the Ministry, it agreed to extend her son's coverage for 11 months.

Ms G called our office complaining that her son's OHIP coverage was not being extended because he did not have a birth certificate. She said her family doctor told her that she would not see her son unless he had coverage. An Ombudsman Representative contacted the Ministry to discuss Ms G's situation. The Ministry confirmed directly with the hospital that the child's birth had occurred in Ontario and extended his coverage for a year to enable Ms G to obtain a birth certificate.

Mr. and **Mrs. H** contacted our office explaining that their daughter, who is autistic, needed medical care. They explained that the Ministry refused to extend her OHIP coverage because she did not have a birth certificate. An application for a birth certificate was still pending with the Registrar General Branch. An Ombudsman Representative made enquiries with both Ministries. Mr. and Mrs. H were asked to provide additional information to the Registrar General Branch and the child's OHIP coverage was extended for a year to allow Mr. and Mrs. H to obtain their daughter's birth certificate.

Mr. I, a social assistance recipient, contacted our office because he was having difficulty obtaining OHIP coverage. Mr. I explained that he had recently had surgery and was going to be billed directly. He could not afford this expense. Mr. I had an old card that did not require renewal but OHIP's records showed that he had reported that it was stolen. He had applied for a birth certificate six months previously but his application had not been processed. An Ombudsman Representative

Dear Ombudsman

I would like to express my deep gratitude to your staff person for her invaluable help in obtaining a certified copy of my legal name change certificate. In just two weeks she managed to accomplish more than other people I had contacted were able to do in a year.

contacted the Ministry to discuss Mr. I's case. The Ministry agreed to grant Mr. I retroactive coverage if he attended at a local OHIP office and presented his driver's licence and two documents confirming proof of residency.

Ms J called our office and explained that she lost her identification and was having difficulty obtaining a new OHIP card. She explained the Ministry told her that she would need a birth certificate but her application for one was still pending with the Registrar General Branch. An Ombudsman Representative made enquiries with the Ministries. The Registrar General Branch explained that Ms J had filed the wrong form and sent her the correct application. As a result of our intervention, Ms J's OHIP coverage was extended for a year without her having to provide proof of citizenship.

Ms H contacted our office because her daughter's OHIP coverage had expired and the Ministry would not extend her coverage a second time without a birth certificate. Ms H's application for a certificate was awaiting processing by the Registrar General Branch. After our office explained Ms H's situation to the Ministry, it agreed to extend her OHIP coverage until April 2006.

Trillium Drug Program

Mr. M works full-time and suffers from an illness requiring costly medication on a monthly basis. He contacted our office because he could not afford to pay a $1,500 deductible to the Trillium Drug Program. He explained that a charity had paid for his medication for the first month of a new job and that he had exhausted his credit paying for the next two months. He explained that his income had gone down from previous years, but that the Program was still using a higher income to determine his deductible. An Ombudsman Representative contacted the Ministry and it explained that it could not use current income to determine Mr. M's deductible. However, it noted it had used his 2003 income and that it could recalculate the deductible based on his income for 2004. Mr. M's deductible was reduced as a result and he was able to afford to pay for his medications.

Ministry of Labour

Employment Practices Branch

Mr. T contacted our office because the Ministry was not responding to his enquiries. He explained that he had filed a claim for unpaid wages and vacation pay with the Employment Practices Branch of the Ministry. The Branch had substantiated his claim and issued an order to pay to his former employer. The employer did not voluntarily pay and the Branch commenced collections efforts. Mr. T had attempted unsuccessfully to obtain information from the Branch about the status of its collection efforts. When an Ombudsman Representative contacted a manager at the Branch, he confirmed that various collection measures had been initiated but had been unsuccessful. He agreed that communication between Mr. T and the Branch had not been ideal and transferred the file to a senior investigator to attempt more aggressive enforcement measures and ensure increased communication with Mr. T.

Office of the Worker Adviser (OWA)

Mr. Z, an injured worker, complained about a delay in obtaining assistance from the OWA. He explained that he had been told seven months earlier that he would have to wait over a year to be assigned a representative. An Ombudsman Representative contacted the OWA, which confirmed that the waiting period to be assigned a representative, in some offices, is up to a year. However, the OWA explained that a representative had already been assigned to Mr. Z's file but that a letter sent to Mr. Z

had not referred to the assignment or provided the representative's name or phone number. As a result of our discussion with the OWA, it agreed to revise its standard assignment letter to ensure that it clearly states the file has been assigned and provides the representative's contact information.

Workplace Safety and Insurance Board (WSIB)

Mr. Y called our office because of problems he was experiencing with the WSIB concerning reimbursement of his transportation expenses. The previous year, Mr. Y had received an expense reimbursement cheque well in excess of the amount to which he was entitled. Following WSIB's advice, he returned the cheque with a note of explanation and waited to receive a corrected cheque. After many months and numerous calls to the WSIB, Mr. Y had still not received the cheque. When an Ombudsman Representative contacted the WSIB, it agreed to review Mr. Y's file. It discovered that when Mr. Y had returned the cheque, it was incorrectly coded resulting in an overpayment. When a new reimbursement cheque was issued, rather than being sent to Mr. Y, it was applied against the erroneous overpayment. As a result of our intervention, the WSIB apologized for the error, corrected it, and immediately mailed Mr. Y a cheque for the proper amount.

Ms W contacted our office seeking assistance in obtaining a lump sum benefit payment from the WSIB. The benefit payment had been approved, but she had been waiting for two months for the payment. Ms W was in very difficult financial circumstances and was anxious to receive the funds, or at least a portion of them, so that she could cover her daily living expenses. As a result of our intervention, the WSIB agreed to expedite its processing of Ms W's payment and courier a cheque to Ms W's local office within the next two days.

Management Board of Cabinet

Collection Management Unit

Ms R complained that in April 2004 her lawyer found an outstanding writ filed against her property by the Attorney General. Ms R disputed that any money was owed. However, she needed to complete the refinancing of her property and, to satisfy the writ, her lawyer sent a cheque for $10,000 to the collection agency hired to collect Crown debts. Ms R then went to the courts, which confirmed that the funds should be returned. She explained that her law firm had been trying for over eight months to obtain reimbursement. After a number of enquiries by our office, staff of the Collection Management Unit located the funds and arranged to have them sent to Ms R's law firm by courier.

Ontario Pension Board

Mr. R, an Ontario government employee, requested that the Ontario Pension Board allow him to purchase pension credit for his prior contract employment with the Ministry of the Environment from 1978 to 1981. He complained to our office that the Ontario Pension Board had denied his request as well as the right to appeal its decision. The Board had referred him to the Management Board Secretariat, which took the position that Mr. R was out of time and the matter was not arbitrable. Mr. R explained that he had learned that other employees had been granted credit for similar contract service. After our office had notified Management Board Secretariat of our intent to investigate, the Ontario Pension Board contacted us and said it had reviewed Mr. R's file and decided that it would allow him to appeal. Mr. R's file was closed to allow him the opportunity to commence an appeal at the Board.

Ministry of Municipal Affairs and Housing

Municipal Property Assessment Corporation

Mr. W contacted our office requesting assistance with the assessment of his property by the Municipal Property Assessment Corporation (MPAC). Mr. W explained that he had purchased a property that had been recently severed from another property. He said that the assessment he received from the MPAC was very high, and appeared to be based on the original unsevered property. He advised that he had been trying for a year to have the MPAC complete the 2004 assessment of his newly created property, but had been unsuccessful. An Ombudsman Representative contacted the MPAC and determined that there had been an oversight by MPAC in registering the severance. The Ombudsman Representative relayed information necessary to complete the registration and the MPAC committed to completing the assessment within the week.

Ontario Rental Housing Tribunal (the Tribunal)

Mr. A contacted our office concerned because his wages were being garnished to satisfy an order of the Tribunal. The Tribunal had decided that Mr. A owed rental arrears for failing to provide proper notice that he was vacating his apartment. Mr. A explained that he had been served with a Notice to Terminate a Tenancy Early during the first week of July 2003. The notice stated that Mr. A was required to vacate his apartment by July 31, 2003. Mr. A said he spoke with the Superintendent and confirmed he would be leaving by the date set out in the Notice. Mr. A believed that his rent deposit would cover his July rent. The second week of July, Mr. A received a Notice to Terminate Early for Non-Payment of Rent, instructing him to vacate his apartment by July 29, 2003 because he had not paid his July rent. Mr. A claimed that he vacated the apartment July 31, 2003 in compliance with the first notice he received. Mr. A's landlord applied to the Tribunal stating it had been unaware that Mr. A had moved out until it found his apartment vacant in September. The landlord claimed that Mr. A should have provided written notice that he was leaving and left by July 29th.

Mr. A claimed that the Tribunal did not address the fact that he had moved out in accordance with the first notice he received. The Tribunal initially responded to the Ombudsman's notice of intent to investigate by confirming its decision. The Tribunal stated that the only application it had to resolve was the issue of non-payment of rent. It explained that the first notice Mr. A received would not have resulted in eviction, unless it had been accompanied by an application to the Tribunal and a subsequent order enforceable by the Sheriff.

An Ombudsman Investigator contacted the Tribunal to discuss Mr. A's case. As a result, the Tribunal reviewed Mr. A's file again. Following its review, the Tribunal decided to provide Mr. A with another opportunity to present his case before the Tribunal at no cost to the parties.

Mr. C contacted our office concerned with a decision of the Tribunal. He explained that he is the owner of a trailer park that he purchased in 1988. He stated that when he bought the park, he was not aware that the previous owner had not set a basic maximum rent and registered this amount with the Tribunal, as required by law. Mr. C stated that he did not become aware of the problem until 1992 when a tenant filed a complaint with the Tribunal. A hearing was held in 1996 and the Tribunal decided in favour of the tenants. Mr. C took the matter to Court and obtained a judgment ordering the Tribunal to review the matter again. A second hearing was held in January 2001. Mr. C stated that he had been in constant communication with the Tribunal to try to obtain a final decision. He noted that

three years later, the Tribunal has informed him that it cannot give him a decision on the second hearing because the transcripts and tapes were destroyed.

The Tribunal offered to schedule another hearing. However, Mr. C thought this was unreasonable, given the time and money that would be involved in presenting his case again. Mr. C was also upset because the Tribunal had notified his tenants that he had been granted a review, leading them to think that he had instituted a new proceeding against them. When we contacted the Tribunal about Mr. C's case, it said that the adjudicator who had heard the case in 2001 had left the organization without writing the decision. The Tribunal apologized for its failure to deal with the matter in a more timely manner. The Tribunal agreed that Mr. C would be granted an administrative review, which could be done with or without a hearing. The Tribunal also agreed to send a letter to Mr. C's tenants to explain the situation.

Provincial Sales Tax Grant Program

Mr. M complained to our office about the Ministry's administration of the Provincial Sales Tax Grant Program. The Program, introduced in November 1999, was designed to offset the provincial sales tax used in the construction of affordable housing by providing builders with a grant of $2,000 per rental unit and was to be in effect for a three-year period with a budget of $4 million. All building materials used in the construction of housing units had to be purchased after March 31, 1999, with the units completed by March 31, 2002. The grant would be paid upon the completion of construction.

Mr. M renovated three buildings creating sixteen affordable housing units, which were completed between July 2000 and July 2001. He said that when he contacted the Ministry about the Program in 2001, the Ministry told him it was no longer accepting applications. Mr. M wrote to the Minister to express his dissatisfaction and enclosed two completed applications for consideration under the Program. The new Minister advised him that all funds under the Program had been committed and that there was no funding available for his project. She also stated that, when the Program was announced, it included a provision that all grants would be issued on a first-come, first-served basis while funding with the Program was available.

Dear Ombudsman

Thanks so much to the staff person in your office for applying her expertise to help a helpless victim of bureaucratic bumbling. I think she is an asset to your office, and should be an example to other staff.

Mr. M contacted the Ombudsman because he believed that the Ministry's decision not to provide him with a grant was unreasonable. He also maintained that none of the Program literature, the Ministry's website or statements made by the previous ministers while promoting the Program, specified that receipt of the grant was limited by the availability of funds.

Our investigation revealed that the Program literature did not state when an application was to be made. Mr. M was under the impression that construction of the rental units had to be completed before he could apply for the grant. The investigation confirmed that applicants could obtain conditional approval prior to the completion of construction. The Ombudsman also found that the only reference to the Program funds being limited was in a press release issued when the Program was launched.

While the Ombudsman did not support Mr. M's complaint, he did suggest to the Ministry that, in the future, it include information about the total funding available, whether funding will be on a first-come, first-served basis, and how and when to initiate an application. The Ombudsman was of the view that having such information only appear in a news release was inadequate to bring the information to the attention of potential participants.

Ministry of Natural Resources

Lands and Waters Branch

Mr. R complained to our office that he was unable to use three lots he owned for logging because the Ministry had refused to allow him to upgrade a forest access road on Crown land. His father had used the road when he had owned and logged the lots in the 1950s and 1970s. The road was on Crown land that had recently become part of a conservation reserve. The Ministry's position was that Mr. R could not upgrade the road because it was part of the reserve.

Our investigation disclosed that the Ministry had issued a land use strategy document in 1999 under its Lands for Life program. The document indicated that no new roads would be allowed in the conservation reserve but did not refer to the issue of upgrading existing roads. In September 2000, the Ministry issued a policy clarification to staff explaining that no upgrading of access roads would be permitted in conservation reserves unless there was an agreement in place prior to March 1999. This policy clarification was issued to abutting landowners in the area on July 1, 2001. Mr. R had been in contact with the Ministry in 1997, 1998 and 2000 regarding accessing his lots. Based on the information in the Ministry's 1999 document, he had assumed he would be able to obtain a work permit to upgrade the access road.

A meeting was held between our office and Ministry officials to discuss Mr. R's situation. As a result, the Ministry undertook to have an impartial forestry consultant review the road and surrounding area to determine whether the lots had been logged, and if so, when this had occurred and the status of the access road. The consultant's report confirmed that the lots had been previously logged. He noted that two of the lots were accessed by what he referred to as an overgrown trail but that it was not possible to say that the third lot was accessed by a trail.

After considering this report, the Ministry proposed that Mr. R be allowed to perform necessary upgrades to allow access to two of the lots and to use the access road to take out logs by means of a skidder to ensure minimal disruption to the environment. The Ministry stated it was trying to balance one individual's personal economic interest while at the same time protecting an identified environmental value. The Ombudsman accepted this compromise solution.

Dear Ombudsman

The students and I thoroughly enjoyed the talk, and many of the students have talked about the Ombudsman on numerous occasions since. I believe that the presentation definitely raised their awareness about your organization and help them understand the role they play in standing up for their rights as citizens.

Ministry of Northern Development and Mines

Mining and Lands Commissioner

Mr. G complained to our office about a decision of the Mining and Lands Commissioner. Mr. G felt that it was unreasonable for the Commissioner to impose certain conditions on the sale of his property in a final order. Mr. G argued that the conditions went beyond the Commissioner's jurisdiction. We notified the Commissioner of our intent to investigate Mr. G's case. While the Commissioner did not concede that she came within the Ombudsman's jurisdiction, on further review, she re-opened Mr. G's case on her own motion. Mr. G's case was reconsidered, resulting in the problematic conditions being rescinded.

Ministry of Training, Colleges and Universities

Colleges of Applied Arts and Technology (community college)

Ms R complained that she had not received marks for three courses in social work at a community college. Ms R graduated in Spring 2002 even though she had not completed four of her courses. When she requested a transcript of her marks in 2004 she discovered that no grades were posted for the four courses. The College explained to her that she had not received marks because its records indicated there were papers missing. Ms R insisted that she had handed in all her assigned work. One professor agreed to give Ms R a mark, but she could not obtain grades for the other three courses. The College's position was that it would not give Ms R marks for the remaining courses because there was no record of the papers being received, students are by written policy responsible for ensuring that the work is received, and students are also told to keep copies of their work. After the College was notified of our intent to investigate, it decided to give Ms R passing grades in the three courses. It also undertook to examine its practice of allowing students to graduate before completing course work.

Ms S complained to our office about a fieldwork placement fee being charged by a community college. Ms S transferred from a three-year certificate program as an educational assistant to a four-year diploma program in the fall of 2001. In February 2004, she learned for the first time that she would be required to pay $1200 for a fieldwork placement fee. Ms S reviewed all of the written material that the College had provided her about the program but could find no reference to the fieldwork fee. When we contacted the College it confirmed that there was nothing in writing about the fee. After receiving our notice of intent to investigate, the College undertook to provide Ms S with a bursary to offset the fee, apologized for its omission and committed to change its program information to include reference to the fee.

Literacy and Basic Skills Unit

Ms T contacted our office because she was dissatisfied with the Ministry's competition for the position of Field Consultant with the Literacy and Basic Skills Unit. One of her concerns related to the process used to obtain reference checks. Although the Temporary Ombudsman did not support Ms T's contentions, she did write to the Ministry asking that it remind staff that the information collected for reference checks must be employment related, objective and consistent with pre-established selection criteria. In addition, during the course of the investigation, it was discovered that a member of the selection panel had also served as a reference for two of the successful internal candidates. The Temporary Ombudsman was concerned about this situation, as it might lead to a perception of bias. The issue was brought to the Director of Human Resources' attention, who committed to implement changes to the Ministry's recruitment practices to ensure a more balanced and transparent process in situations when a selection panel member is asked to provide a reference for a candidate in a job competition. The Director of Human Resources also wrote to the Assistant Deputy Minister, Human Resources Strategy and Policy Division, recommending that the Ministry consider the policy implications of having its staffing policy reviewed with respect to this issue. The Ministry also agreed to inform Ms T of any future job positions in the relevant area for a period of one year.

Dear Ombudsman

It is nice to know that there is some one out there to help the little guy.

Ontario Student Assistance Program (OSAP)

Ms A called our office frustrated because she could not determine how an OSAP debt had been calculated. She explained that she had paid her student loans in full many years ago but had received notice from a collection agency saying that she owed OSAP $922 because of a loan forgiveness reassessment. Ms A was also concerned that the OSAP had reported her to the credit bureau and sent her file to a collection agency without first giving her the opportunity to enquire about the debt and pay it. Ms A stated that she had been unable to obtain more information from OSAP. An Ombudsman Representative contacted the OSAP, which explained that when a loan forgiveness reassessment is completed and an overpayment established, three notices are sent to the student's last known address and if the student does not respond, the file is sent to collections and reported to the credit bureau. Ms A had moved over the years and the OSAP did not have her current address. After we discussed Ms A's case with the OSAP, it deleted Ms A's name from the credit bureau, sent her a detailed letter answering her questions and assigned a staff member to contact Ms A to discuss payment arrangements.

Mr. B complained to our office that a Financial Aid Office at a University was refusing to give him his student loan documents because he was unable to furnish three pieces of satisfactory identification. The Financial Aid Office rejected Mr. B's OHIP and student cards, which contained photographs, as well as his birth certificate and social insurance card. Mr. B did not possess a driver's licence or a passport. Mr. B's only alternative was to find a guarantor, who had known him for at least two years. However, Mr. B had recently returned to Canada from the US and it was not possible for him to find a guarantor locally. An Ombudsman Representative contacted the Ministry, which advised that, in fact, the Financial Aid Office could accept the identification that Mr. B had presented. The Ministry agreed to speak directly with the Financial Aid Office and explain that exceptions can be made in such cases. As a result of our intervention, Mr. B's student loan was processed.

Ms S completed her 2003-2004 OSAP application online, with the desire to be considered for the Queen Elizabeth II Aiming for the Top Scholarship. However, she was unable to access the appropriate screen option for the Scholarship application form because she responded incorrectly to one of the prompting questions that she found to be confusing. When we discussed this situation with the Ministry, it disagreed that the question was confusing, but agreed to reword the question for the future. We then asked whether the Ministry would be prepared to award Ms S the funds she would have received had she been able to access the Scholarship application form. After the Ministry reviewed Ms S' high school transcript, it agreed to provide her with $3,500, which is the annual maximum allowable under the Scholarship, for her first year of university studies.

Ms T is a student attending her last year of a nursing program. She contacted Ombudsman Ontario because she was concerned that she had been placed on the restricted list for OSAP funding. The Ministry claimed that Ms T had failed to properly report her income for the academic year 2002-2003 and was therefore permanently ineligible for funding. She appealed to the Ministry twice, explaining that the income was reported on the wrong lines only because the University had amended its forms causing gross income, estimated income and total income to be recorded on the wrong line. Both Ms T and the University had reported the error to the Ministry. An Ombudsman Representative contacted the Ministry to attempt to resolve Ms T's situation. As a result, Ms T's file was reviewed again and the Ministry decided to remove the restriction

acknowledging that both Ms T and the University had attempted to correct the error. The Ministry proceeded to recalculate her entitlement and she received her OSAP funding for the year.

Ministry of Transportation

Driver Improvement Office – Medical Review Section

Mr. C is a Quebec resident. He failed his first driving test while living in Ontario in 1997. He did not complete the licensing process, as he moved to Quebec and obtained a Quebec driver's licence. While in Quebec, Mr. C's licence was suspended for 12 months and later reinstated. Mr. C called our office, because the police in Ontario had stopped him and told him that he could not drive in Ontario because his licence was under suspension. The officer also took away his Quebec licence. When Mr. C contacted the Ministry, he was told before his licence was returned he would have to participate in a remedial measures program, which would cost $500 and take eight months for him to complete. Mr. C's job required that he drive between Ontario and Quebec. He was at risk of losing his employment unless he could obtain a driver's licence immediately. Our office made several enquiries to the Ministry. At one point, we were advised that Mr. C had renewed his Ontario driver's licence in 1997 and never informed the Ministry that he had moved. The Ministry stated that drivers are required to submit their Ontario driver's licence when they move to another province. The Ministry said if Mr. C had done this, it would not have been necessary for him to complete the Ontario remedial measures program.

Mr. C insisted that he had never had a licence in Ontario and accordingly, had never renewed it in 1997. An Ombudsman Representative pursued the matter further with the Ministry. As a result of our intervention, the Ministry discovered that there was a computer error and that information relating to someone else had mistakenly been entered into Mr. C's driving record. The Ministry apologized for the error and corrected its records. Mr. C was also able to obtain his Quebec driver's licence and return to work.

Licensing and Control Branch

Ms A complained to our office that the Ministry had denied her licence. She explained that she is an insulin dependent diabetic who drives a school bus and that she had submitted blood logs, as required by the Ministry. She said the Ministry told her that because of low blood readings she might be in danger of a hypoglycemic reaction. The Ministry said it could not accept her manual blood logs and that her licence was denied. Ms A and her specialist submitted additional information confirming that her blood sugar was under control but the Ministry would not reinstate her licence unless it received satisfactory memory records from a glucose monitor. Ms A told us that she could not afford a computerized glucose monitor. When an Ombudsman Representative contacted the Ministry, she learned that Ms A could obtain a memory printout download from her blood meter through a pharmacy with the right computer link. After we relayed this information to Ms A, she was able to obtain and submit the required documentation and the Ministry reinstated her licence.

Dear Ombudsman

I want to thank you in a personal way for this workshop. I was motivated and empowered to complain to a provider. The outcome was even greater than I had asked for. I want to thank you for the training and all the exercises about the complaining style and about remaining professional. The bottom line for me that I had to make up my mind that I was really utilizing and exercising my voice and that the most important thing was to speak up and have it on file.

Road User Safety Operations

Mr. B bought a recreational vehicle (RV) in October 2000. The RV was sold as equipped plus safety certified and emissions tested. In December 2000, Mr. B took his RV to a local garage because it needed a new engine. While the RV was being repaired, he asked the mechanic to perform another safety inspection on it. The inspection revealed that only the brakes on the front wheels were working. Other problems were also discovered during this inspection. Mr. B called the Ministry office in Kingston to complain that these problems should have been noted on the safety inspection at the time of purchase. The Ministry officer told Mr. B that he could not perform an inspection of the RV for three days. In the interim, Mr. B instructed the garage to make the necessary repairs. The Ministry officer attended at the garage two days after he had spoken with Mr. B. By that time, repairs had been done to the RV. The Ministry then told Mr. B that it would not be taking any further action on his complaint. The Ministry told Mr. B that its officer must inspect the vehicle to confirm that specific items covered by the legislation were defective on the date of the original inspection for the safety standards certificate. The Ministry explained that if defective items have been replaced, the Ministry cannot satisfy the courts that the items were part of the vehicle at the relevant time. Mr. B complained to our office about the Ministry's conduct. He emphasized that the Ministry's officer had never told him to delay repairing the RV until after the Ministry's inspection was complete. When questioned by our staff, the Ministry's officer claimed that he had told Mr. B not to have any repairs done to his RV until he could attend the garage.

Following our investigation of Mr. B's complaint, the Ombudsman did not find it unreasonable for the Ministry not to proceed with charges, as repairs had been done to the RV before the Ministry inspected it. However, the Ombudsman was concerned that the Ministry did not have information on its website warning the public that if they have a complaint about a vehicle that has received a safety standards certificate, they should not have any work done on it until a Ministry officer has inspected it. The Ministry agreed with the Ombudsman's suggestion to include this information on its website. The Deputy Minister also agreed to instruct its managers to ensure that complainants are clearly notified at the time of initial complaint not to do any repairs until an officer has completed an inspection.

Dear Ombudsman

After your presentation in November 2004, we followed your advice and wrote a complaint to ODSP regarding an overpayment. We wanted you to know that with the help of the Ombudsman's office and (complainant) perseverance talking to ODSP on the telephone, the overpayment was finally taken off his record and he received a refund of over $300 for payments that had been deducted from his monthly cheque for the preceding year. If we had not attended your presentation, we could still be trying to deal with ODSP!

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March 31, 2005

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OMBUDSMAN ONTARIO

Mission Statement

"Working to ensure fair and accountable provincial government service"

Our Values

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

Fairness: treating everyone in a reasonable, equitable, and impartial manner

Accountability: providing quality services, taking responsibility, evaluating and improving through innovation

Integrity: demonstrating transparent, honest and ethical practices

Respect: understanding individual differences and valuing diversity

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This Annual Report is available in French and CD-ROM by request. For general information, or mailing address changes, please call our Communications office at 416-586-3353.

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